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The Hung Parliament: procedural changes in the House of Representatives

Politics and Public Administration

Executive summary

This paper describes the key procedural changes that were effected in the 43rd Parliament following the 2010 federal election, which resulted in a hung parliament—the first hung parliament since the early 1940s. The paper focuses on the work of the House of Representatives, where the reforms introduced during the hung parliament had the greatest impact.

- In order to secure a second term of Government after the 2010 election, Prime Minister Gillard entered into a series of agreements with three independent MPs and the Australian Greens. This resulted in a formalised *Agreement for a better parliament* (the Agreement) being adopted by the House of Representatives and implemented largely via amendments to standing orders in September and October 2010.
- The first item listed in the *Agreement* was the re-establishment of a Selection Committee, chaired by the Speaker, to facilitate and enhance private members' engagement across all parliamentary business—including allowing for debate and votes on Private Members' bills during Government Business time in the Main Committee (renamed the Federation Chamber). The scrutiny of bills by parliamentary committees became a major aspect of private members' work.
- The role of the Speaker and the management of Question Time was an important element of the so-called 'new paradigm' of parliamentary conduct. The Speaker was required to take a firm line on the relevance of ministers' answers to questions, and the use of argument in both questions and answers. The management of supplementary questions and points of order was also a key task for the Speaker. A provision was also introduced to allow for a vote to be repeated where a division had miscarried through misadventure.
- The House committee system was restructured, reducing to nine the number of general purpose standing committees and reducing the number of members on each committee. It was also agreed that the Chair of the Joint Parliamentary Committee on Public Accounts and Audit would be a non-aligned member or drawn from a non-Government party. In September 2010, a six-month timeframe for government responses to committee reports was adopted, and the first Notice Paper of each sitting fortnight contained a list of those reports awaiting a response.

- In December 2011, the Parliamentary Budget Office (PBO) was established under the *Parliamentary Service Amendment (Parliamentary Budget Officer) Act 2011* and the Parliamentary Budget Officer was appointed in May 2012. The PBO's task was to provide independent policy costings, fiscal analysis and research to parties and MPs. In 2013, an amending Act—the *Parliamentary Service Amendment (Parliamentary Budget Officer) Act 2013*—provided, among other things, for a post-election report to be prepared that set out, for each political party, costings of all its election commitments and their combined impact on the Commonwealth Budget and general government sector fiscal estimates.
- The *Agreement* had also sought to establish a National Integrity Commissioner—and a bill to that effect had first been introduced in the Senate by the Australian Greens in June 2010 but it lapsed at the end of the 42nd Parliament. In May 2012 a near-identical bill was introduced into the House by Adam Bandt. The bill lapsed when the 43rd House of Representatives was dissolved on 5 August 2013.
- As the 43rd Parliament drew to a close there was some commentary from both journalists and MPs assessing its legacy. The general observation was made by one writer that 'Australians are unused to minority governments. They are uncomfortable with the obvious cattle-trading axiomatic in making minority governments work'.¹ Notwithstanding a popular sense that the hung parliament had been problematic, there remained those who considered that such a view ignored the evidence of its effectiveness. While critical of some actions of the Gillard Government, the independent MPs who supported Gillard generally regarded the Parliament as a success, seeing it as 'more triumph than tragedy'.² They agreed that one of the Prime Minister's main achievements was her management of a parliament that, they said, had 'delivered'.

Acknowledgements


The authors would like to thank Mr David Elder, Deputy Clerk of the House of Representatives, the staff of the House of Representatives Chamber Research Office, and Michael Klapdor for their invaluable assistance in the preparation of this Research Paper.

1. ['Action man Abbott, Labor's division and the impact of minority government: Australian election recap'](#), Weber Shandwick website, 5 September 2013, accessed 12 October 2013.

2. C Uhlmann, 7:30, [transcript](#), Australian Broadcasting Corporation (ABC), 25 June 2013.

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Introduction

At 5.29pm on Monday 5 August 2013 the House of Representatives in the 43rd Parliament was prorogued, marking the end of the first hung parliament in 70 years of federal parliamentary history. The Labor minority government had survived in spite of suggestions that the Government and the agreements with the Australian Greens and key independents would not be able to survive the full term of parliament.

The 2010 election, held on 21 August, was called early and under the unusual circumstance of a recent change in the leadership of the Australian Labor Party (ALP) which thereby installed Prime Minister Gillard. The election resulted in a hung parliament, with both the ALP and the Liberal-Nationals Coalition emerging with 72 seats each in the House of Representatives.³ The remaining six seats were held by one WA Nationals member (Tony Crook); one Australian Greens member (Adam Bandt); and four non-aligned independent members (Bob Katter, Rob Oakeshott, Andrew Wilkie, and Tony Windsor).

It was clear that neither the ALP nor the Coalition had sufficient numbers to sustain a majority in the House of Representatives after providing a Speaker (76 seats). Both of the major parties therefore commenced negotiations with the six independent and minor party members soon after the election in order to gain sufficient support to form government.

The first agreement reached on 1 September 2010, was between the Australian Greens and the ALP, in which the Greens pledged to vote with the Government to ensure supply and to oppose any motion of no confidence in the Labor Government not proposed by the Greens.⁴ The following day, on 2 September, agreement was reached between the ALP and the independent Member for Denison, Andrew Wilkie, who undertook to vote with the Government to ensure supply and to oppose any motion of no confidence in the Labor Government not moved or seconded by him.⁵

The final agreement, between the ALP and two of the three remaining independents, Rob Oakeshott and Tony Windsor, was announced at a press conference and was signed on 7 September 2010. This gave the ALP the support it needed to form a minority government. In common with the other agreements Mr Oakeshott and Mr Windsor pledged to vote with the Government to ensure supply and to oppose any motion of no confidence in the Government not moved or seconded by them.⁶

A key element of the agreement with Mr Oakeshott and Mr Windsor was a ten-page annex entitled *Agreement for a better Parliament: Parliamentary Reform* ('the Agreement'), which was negotiated between the Coalition, the ALP and the independents. The proposals in the *Agreement*, together with some proposals from the Greens and Mr Wilkie, formed the basis of the procedural changes in the House of Representatives in the 43rd Parliament. Most of these changes were implemented via amendments to the standing orders on 29 September 2010 (the second sitting day of the 43rd Parliament) and on 19 and 20 October 2010.

This paper provides coverage of selected procedural changes during the 43rd Parliament, together with a range of statistics relating to the work of the House of Representatives. It concludes with a brief selection of commentary on the nature and outcomes of the hung Parliament.⁷ A concordance table providing an overview of procedural changes is attached at Appendix 2. A glossary explaining many of the parliamentary and procedural terms used in this paper is available on the Parliament House website.⁸

House of Representatives practice and procedure

The Selection Committee and referral of bills

The first item listed on the *Agreement* concerned the re-establishment of a Selection Committee, chaired by the Speaker, to facilitate private members' engagement across all elements of parliamentary business. A Selection

3. The final election result was unclear for some time; it was not until 27 August 2010 that results for the last two divisions (Brisbane and Corangamite) were decided.

4. J Gillard, W Swan, B Brown, C Milne and A Bandt, [The Australian Greens & The Australian Labor Party \('The Parties'\)—Agreement, 1 September 2010](#), p. 1, accessed 27 September 2013.

5. J Gillard and A Wilkie, [The Hon Julia Gillard & Mr Andrew Wilkie \('the Parties'\)—Agreement, 2 September 2010](#), p. 1, accessed 22 September 2011.

6. J Gillard, W Swan, T Windsor and R Oakeshott, [The Australian Labor Party & the Independent Members \(Mr Tony Windsor and Mr Rob Oakeshott\) \('the Parties'\)—Agreement, 7 September 2010](#), p. 1, accessed 27 September 2013.

7. The first year of the 43rd Parliament was the period 28 September 2010–28 September 2011 (the final sitting day in this period was 22 September 2011). The first year of the 43rd Parliament had 71 sitting days.

8. See Parliament of Australia, ['Glossary: A Glossary of Parliamentary Words'](#), Parliament of Australia website, accessed 27 September 2013.

Committee had operated during the 41st Parliament to facilitate committee, delegation and private members' business; this was replaced in the 42nd Parliament by a meeting of whips that undertook similar functions. Neither the earlier Selection Committee, nor the meeting of whips, had the role of recommending items of private members' business to be voted on, or of selecting bills for referral to committees.⁹ The Selection Committee comprised:

- the Speaker, or in his/her absence the Deputy Speaker
- the Chief Government Whip or their nominee
- the Chief Opposition Whip or their nominee
- the Third Party Whip or their nominee
- three Government members, two Opposition members and two non-aligned members.¹⁰

The Selection Committee appears to have operated effectively and with strong bi-partisan support. The House of Representatives Standing Committee on Procedure noted in its first Interim Report of April 2011 that the Selection Committee had been 'refining its practices and procedures' and had 'adopted general principles to guide its allocation of priorities regarding private members' business'.¹¹ The Clerk of the House of Representatives suggested at the time that, notwithstanding the benefits of having the Speaker chair the Selection Committee, it might be useful to 'reflect on the desirability of the Speaker being a step removed from the arrangements and negotiations about the scheduling of business, decisions about referral of bills to committees and so on'.¹²

The amendments to the standing orders of 29 September 2010 provided the Selection Committee with a more expansive role, including the selection and referral of bills to the relevant standing or joint committee. Bills may still be referred to committees by the House or a Minister under Standing Order 215(b), or in the case of joint committees, by a resolution of the House or Senate. The Selection Committee in the 43rd Parliament operated under the revised Standing Order 222.¹³

Referral of bills by the Selection Committee for inquiry and report

The bill referral process required the Selection Committee to identify bills regarded as 'controversial or requiring further consultation or debate' and refer them 'immediately ... to the relevant Standing or Joint Committee'. The declaration by 'one member ... will be sufficient to declare a Bill controversial'.¹⁴

Prior to the 43rd Parliament, inquiries into bills by House of Representatives committees had not been a significant feature of committee work. In the 42nd Parliament only six legislative inquiries had been undertaken by House and joint committees. Of these, four were by joint committees and two by House committees.¹⁵

In the hung parliament this situation changed dramatically, and bills were referred frequently to committees. In December 2010, consultants were engaged to undertake a review to determine the nature and level of staffing necessary to support the work of committees with their expanded responsibilities. The review's recommendations for additional resources were supported by the department.¹⁶

9. [Agreement for a Better Parliament](#), House of Representatives tabled paper, 20 October 2010, p. 2, accessed 27 September 2013.

10. Standing order 222(b), 20 October 2010. Detail on the role and operation of the Selection Committee is also contained in the Standing Committee on Procedure (HRSCP), [Interim Report: Monitoring and review of procedural changes implemented in the 43rd Parliament](#), April 2011, beginning at p. 21.

11. *Ibid.*, p. 22.

12. B Wright, [Submission to the House of Representatives Standing Committee on Procedure, Inquiry into procedural changes implemented in the 43rd Parliament](#), December 2010, p. 4, accessed 27 September 2013.

13. House of Representatives, [Standing Orders](#), accessed 27 September 2013.

14. Standing Order 222(a)(iii).

15. HRSCP, [Interim Report: Monitoring and review of procedural changes implemented in the 43rd Parliament](#), op.cit., p. 41.

16. House of Representatives Standing Committee on Appropriations and Administration, [Report No 3, Budget Estimates 2012-13 for the Department of the House of Representatives](#), May 2012, p. 1.

House committees embraced their revitalised role in the scrutiny of bills and the opportunity to contribute to better quality legislation. Amendments to bills based on committee recommendations are a measure of the success of this reform. The committees most affected by bills inquiries appear to have coped well, although some Chairs and Deputy Chairs continued to draw attention to the need for adequate support to committees to enable them to perform their duties effectively.¹⁷

When the new arrangements became operational in the 43rd Parliament, it was the practice of the Selection Committee to nominate a reporting date by which the committee inquiring into a bill would report. By 2011 that practice had changed to one whereby the Selection Committee no longer specified a reporting date, enabling the committee to which the bill was referred to set its own reporting deadline.

The standing committees to which bills are referred are obliged to provide an advisory report to the House. Typically this is a written report, but on an increasing number of occasions a committee chair has, by leave, made a statement to the House instead.¹⁸ This has enabled committees to report back quickly. In their discharge statements chairs have often noted the uncontroversial nature of bills, or the unnecessary duplication of an inquiry where a bill has been referred to both House and Senate committees.

This practice of making a statement by leave to discharge the committee's obligations has not been formalised in the standing orders. The practice has evolved independently of them, so there is no obligation for a Committee making a 'statement to discharge' to present the minutes of the Committee's proceedings. There is a requirement for the presentation of a Committee report under Standing Order 247(a). The Procedure Committee has recommended, in the interests of openness and transparency, that Standing Order 143 should be amended to require that the minutes of the Committee's deliberations be presented along with the statement to discharge the Committee's obligation to report.¹⁹

Some of the issues attending the bill referral, inquiry and reporting process had included the desirability of explanations for the referral of bills by the Selection Committee and the potential for the duplication of bill inquiries being undertaken by other committees (e.g. Senate committees).²⁰ These and related matters were considered by the House of Representatives Standing Committee on Procedure:

Whatever the Senate and its committees choose to do with items of proposed legislation should not in any way inhibit the House Selection Committee's determinations in referring bills ... Where inquiries into the same item(s) of legislation are being run concurrently by House and Senate committees, some committees are already adopting measures to reduce perceptions of duplication and to minimise the requirement for witnesses to provide comparable evidence to two different committees.²¹

In the 43rd Parliament 221 bills were referred to House and joint committees.²² The Selection Committee also determined whether private member's bills would be referred to committees for inquiry and report. There were 76 private Members' bills initiated in the House, and of these, 21 were referred to committees. Committee reports on bills are advisory only and there is no obligation on ministers or the House to accept a committee's recommendations.

The Procedure Committee noted the increased workload experienced by some committees as a result of the greater numbers of bills inquiries, and sought to have this factored into the referral process, together with a

17. House of Representatives Standing Committee on Procedure (HRSCP), [Interim Report No.3: Monitoring and review of procedural changes implemented in the 43rd Parliament—The effectiveness of reforms to the House committee system](#), Canberra, February 2012, p. 24, accessed 17 September 2013.

18. For example, see B Ripoll, 'Superannuation Legislation Amendment (Early Release of Superannuation) Bill 2011: Report from Committee', House of Representatives, *Debates*, 22 August 2011, pp. 8737–38, accessed 6 September 2011; A Rishworth, 'Education and Employment Committee: Report', House of Representatives, *Debates*, 16 August 2011, pp. 8174–76, accessed 3 October 2013.

19. House of Representatives Standing Committee on Procedure (HRSCP), [Maintenance of the standing and sessional orders](#), Canberra, 2013, p. xi, accessed 3 October 2013.

20. See for example B Ripoll, 'Superannuation Legislation Amendment (Early Release of Superannuation) Bill 2011: Report from Committee', House of Representatives, *Debates*, op. cit.; A Rishworth, 'Education and Employment Committee: Report', House of Representatives, *Debates*, op. cit.; House of Representatives Standing Committee on Social Policy and Legal Affairs (HRSCSPLA), [Advisory report of the inquiry into Family Law Legislation Amendment \(Family Violence and Other Measures\) Bill 2011](#), HRSCSPLA, Canberra, May 2011, accessed 3 October 2013; House of Representatives Standing Committee on Climate Change, Environment and the Arts (HRSCCEA), [Bills referred 24 March 2011](#), HRSCCEA, Canberra, May 2011, p. 3, accessed 3 October 2013.

21. HRSCP, [Interim Report No. 2: Monitoring and review of procedural changes implemented in the 43rd Parliament: Referral of bills to committees by the House Selection Committee](#), Canberra, June 2011, p. 11, accessed 21 September 2011.

22. Figures courtesy of the House of Representatives Chamber Research Office.

level of direction regarding the focus of bills inquiries.²³ The Procedure Committee had also recommended the amendment of Standing Order 222:

... to remove the provision that one member of the Selection Committee is sufficient to select a bill for referral to a House or joint committee for advisory report—thereby requiring a majority decision of the Committee—and to require that the Committee provide reasons for the referral of bills to committees.²⁴

The Government supported this proposal but it was not acted upon during the 43rd Parliament.

Notwithstanding the often short duration and work pressure of bills inquiries, members made extensive comments—through statements in the House and in committee reports—that acknowledged the value of the increased opportunities for House and joint committees to examine bills.²⁵

The Speaker

The *Agreement* required that '[t]he role of the Speaker will be independent of Government' and that a party-aligned Speaker would be matched with a Deputy Speaker from an 'alternate political party'. The *Agreement* also required that the Speaker and Deputy Speaker would not attend their party rooms, be paired for all divisions when in the Chair, and not vote on private members' business.²⁶ Harry Jenkins (ALP) and the Hon Peter Slipper (LIB) were elected Speaker and Deputy Speaker respectively on 28 September 2010 (Mr Slipper was nominated for the Deputy Speakership by the Government).²⁷

Following his election Speaker Jenkins stated that 'I have, as demanded by the parliamentary reform document, put myself in self-imposed exile from the federal parliamentary Labor Party'.²⁸ In a statement prior to his election as Deputy Speaker, Mr Slipper stated that he 'would be happy to serve the Parliament as Deputy Speaker but certainly not on the basis of pairing my vote or guaranteeing confidence and supply to the Government'.²⁹ Following his election Mr Slipper also stated that he '[had] not given any commitments with respect to my role as Deputy Speaker'.³⁰ The Leader of the Opposition, the Hon Tony Abbott, indicated that Mr Slipper would 'vote as a normal member of this parliament in the normal proceedings of this parliament' and also stated that the Opposition did not support the pairing of the Speaker as specified in the *Agreement*; the pairing arrangements did not eventuate.³¹

A little over a year later, on 24 November 2011, Mr Jenkins resigned as Speaker, citing frustration with his separation from the Labor Party and a desire 'to be able to participate in policy and parliamentary debate' which 'would be incompatible with continuing in the role of Speaker'.³² Later the same day Mr Slipper was elected Speaker and Anna Burke (ALP) was elected Deputy Speaker (both Mr Slipper and Ms Burke were nominated by the Government);³³ the change increased the Government's voting margin on the floor of the House of Representatives due to the return of Mr Jenkins to the Government benches and the Opposition's loss of Mr Slipper's vote. After his election Mr Slipper stated that he intended 'to be an independent Speaker in the Westminster tradition' and would resign his membership of the Queensland Liberal National Party.³⁴

Subsequently, on 29 April 2012, Mr Slipper foreshadowed his intention to step aside from his role chairing the House of Representatives as a result of certain civil and criminal claims made against him; this took place in the

23. HRSCP, *Interim Report No. 2: Monitoring and review of procedural changes implemented in the 43rd Parliament: Referral of bills to committees by the House Selection Committee*, op. cit., p. 11.

24. Ibid., p. 12.

25. HRSCP, *Interim Report No. 3: Monitoring and review of procedural changes implemented in the 43rd Parliament: The effectiveness of reforms to the House committee system*, op. cit., p. 17.

26. *Agreement for a Better Parliament*, op. cit., cl. 2.1, p. 2.

27. Australia, House of Representatives, *Votes and Proceedings*, no. 1, 2010, pp. 6, 9–10, accessed 28 August 2013.

28. H Jenkins (Speaker), '*Speaker: Election*', House of Representatives, *Debates*, 28 September 2010, p. 12, accessed 28 August 2013.

29. P Slipper, '*Statement of Peter Slipper MP regarding the Deputy Speakership*', media release, 27 September 2010, accessed 28 August 2013.

30. P Slipper, '*Deputy Speaker: Election*', House of Representatives, *Debates*, 28 September 2011, p. 32, accessed 28 August 2013.

31. T Abbott, '*Deputy Speaker: Election*', House of Representatives, *Debates*, 28 September 2011, pp. 29–30, accessed 28 August 2013.

32. H Jenkins (Speaker), '*Parliamentary Office Holders: Speaker, Resignation*', House of Representatives, *Debates*, 24 November 2011, p. 13 741, accessed 28 August 2013.

33. Australia, House of Representatives, 'Speaker—proposed resignation', *Votes and Proceedings*, HVP 83, 2010–11, pp. 1137, 1144–45, accessed 28 August 2013.

34. P Slipper (Deputy Speaker), '*Parliamentary Office Holders*', House of Representatives, *Debates*, 24 November 2011, p. 13,797, accessed 28 August 2013.

House on 8 May 2012.³⁵ Mr Slipper remained Speaker, with Deputy Speaker Anna Burke presiding over the House, until he resigned as Speaker on 9 October 2012 (on the same day, prior to the resignation, Mr Abbott unsuccessfully moved that the Speaker be removed from office).³⁶ Following the resignation Ms Burke was elected Speaker on 9 October 2012, with Mr Bruce Scott (NAT) being elected Deputy Speaker.³⁷

During Mr Slipper's tenure as Speaker a number of reforms were instituted including renaming the 'Main Committee' the 'Federation Chamber' and, for a time, wearing the Speaker's robes and modifying the route taken by the Speaker's procession so that it could be seen from a publicly-accessible area of Parliament House.³⁸

In essence, the role (and impartiality) of the Speaker has not changed, although the Speakership has gained greater prominence due to the finely-balanced nature of the hung parliament and other events (see Appendix 4 for an overview of the changes in party representation during the 43rd Parliament). This was illustrated on 31 May 2011 when the Speaker named a member during Question Time but the ensuing vote on suspension was resolved in the negative.³⁹ As this in effect constituted a vote of no confidence in the Speaker, the Speaker stated that he would 'tak[e] the time to consider [his] position'.⁴⁰ A motion that the House of Representatives had confidence in Mr Jenkins' Speakership was immediately moved by Mr Abbott and passed by the House.⁴¹

Acknowledgement of country

Standing Order 38 was amended on 29 September 2010 to incorporate the following words to be read by the Speaker at the start of each sitting day before the usual prayers:

*I acknowledge the Ngunnawal and Ngambri peoples who are the traditional custodians of the Canberra area and pay respect to the elders, past and present, of all Australia's Indigenous peoples.*⁴²

The first occasion on which this was used was 30 September 2010. With the exception of Western Australia, and now Victoria, all other Australian parliaments make an acknowledgement of country at some time in the parliamentary year; Victoria discontinued the practice for the first sitting day in 2011.

Question Time

The *Agreement* sought to impose time limits for questions (45 seconds) and answers (four minutes) as a means of improving the content and conduct of Question Time. These reforms were introduced in amendments to standing orders passed by the House on 28 September 2010.⁴³ In May 2011 the Procedure Committee reported on their implementation:

The time limit has had little impact on the length of answers to opposition Members' questions. It has had a greater impact on the long-standing practice of ministers to give longer answers to government questions than to questions by opposition and non-aligned Members. In the 42nd Parliament, the average length of answers to questions from government Members was 4 minutes 52 seconds, compared to 2 minutes 23 seconds for non-government questions. The time limits have resulted in a more balanced distribution of time, with the average length of answers to government questions now 3 minutes 33 seconds, compared to 2 minutes 34 seconds for answers to questions by opposition and non-aligned Members.⁴⁴

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35. P Slipper (Speaker), '[Statement by the Speaker, Parliament House, Canberra](#)', media release, 29 April 2012, accessed 28 August 2013; P Slipper, '[Statement by the Speaker](#)', House of Representatives, *Debates*, 8 May 2012, p. 4127, accessed 28 August 2013.
36. P Slipper (Speaker), '[Parliamentary Office Holders](#)', House of Representatives, *Debates*, 9 October 2012, pp. 11,644–47; Australia, House of Representatives, 'Election of Speaker', [Votes and Proceedings](#), HVP. 136, 2010–11–12, pp. 1,838–39, accessed 28 August 2013.
37. Australia, House of Representatives, 'Election of Speaker', [Votes and Proceedings](#), HVP. 136, 2010–11–12, p. 1,845, accessed 29 August 2013.
38. The Main Committee was renamed the Federation Chamber in February 2012 by amendment of the standing orders: House of Representatives Standing Committee on Procedure (HRSCP), [Monitoring and review of procedural changes implemented in the 43rd Parliament: 4th report](#), Canberra, November 2012, p. 56, accessed 28 August 2013; P Slipper, '[Business: Speaker's Procession](#)', House of Representatives, *Debates*, 8 February 2012, p. 195, accessed 28 August 2013.
39. Australia, House of Representatives, 'Questions', [Votes and Proceedings](#), HVP. 43, 2010–11, pp. 583–84, accessed 28 August 2013.
40. H Jenkins, '[Questions without Notice](#)', House of Representatives, *Debates*, 31 May 2011, pp. 5283–84, accessed 28 August 2013.
41. Australia, House of Representatives, *Votes and Proceedings*, HVP. 43, 2010–11, op. cit. See also C Johnson, '[Speaker threatens to quit after ruling overturned](#)', *Canberra Times*, 1 June 2011, accessed 28 August 2013.
42. Australia, House of Representatives, 'Amendments to Standing Orders', [Votes and Proceedings](#), HVP. 2, 2010, p. 34, accessed 16 September 2011.
43. *Agreement for a Better Parliament*, op. cit., cl. 4.1, p. 2; Australia, House of Representatives, *Votes and Proceedings*, HVP. 2, 2010, op. cit., p. 37.
44. HRSCP, [Interim report no 1: Monitoring and review of procedural changes implemented in the 43rd Parliament](#), op.cit., p. 33.

The standing orders were amended in February 2012 to further reduce the time limits to 30 seconds for questions and three minutes for answers.⁴⁵ In practice, the reforms on Question Time questions reduced the average length of answers to two minutes 44 seconds in the 43rd Parliament, compared with the 42nd Parliament which averaged three minutes 37 seconds (see Tables 1 and 2 below for an analysis of Questions without Notice and the impact of the reforms).

Table 1: Comparison of key features of Question Time in the House of Representatives

	Questions without Notice		
	41st Parliament	42nd Parliament	43rd Parliament
Average duration of Question Time*	1 hour 7 minutes	1 hour 32 minutes	1 hour 5 minutes
Average number of questions per Question Time	18.7	18.6	15.3
Average length of question	Figure not recorded	25 seconds	22 seconds
Average length of response	2 minutes 24 seconds	3 minutes 37 seconds	2 minutes 44 seconds
% of questions asked by government	49	49.7	46.3
% of questions asked by opposition	48.5	48.3	47.4
% of questions asked by Independent/non-aligned members	2.4	2	6.3
Average points of order per Question Time	Figure not recorded	10.7	15.5

* Rounded to nearest minute.

Source: House of Representatives Chamber Research Office

45. Australia, House of Representatives, 'Amendments to Standing Orders', [Votes and Proceedings](#), HVP. 85, 8 February 2012, pp. 1177–1179, accessed 24 September 2013.

Table 2: Comparison of source of questions asked during Question Time

	Questions without Notice			
	40th Parliament (calendar year 2003)	41st Parliament (calendar year 2005)	42nd Parliament (calendar year 2009)	43rd Parliament (calendar year 2011)
Total number of questions during Question Time	1,194	1,274	1,187	882
Average number of questions per Question Time	17.56	19.01	18.55	14.46
Number of questions asked by Government members	576	626	589	404
	48.2%	49.1%	49.6%	45.8%
Number of questions asked by Opposition members	585	619	569	421
	49%	48.6%	47.9%	47.7%
Number of questions asked by non-aligned members	33	29	29	57
	2.8%	2.3%	2.4%	6.5%

Source: House of Representatives Chamber Research Office

Note: During the 43rd Parliament the Opposition used suspension motions 54 times during Question Time, more than double the number (21) used during Question Time in the previous parliament.⁴⁶

Determining 'relevance' in ministers' answers to questions

The *Agreement* proposed changes to standing orders requiring ministers' answers to questions without notice to be 'directly relevant' to the question.⁴⁷ The *Agreement* also urged the Speaker to 'lead on enforcement of the relevance test' and declared that the Government and Opposition 'will support the Speaker in taking a strong stance on this issue'.⁴⁸

Standing Order 104 was amended on 29 September 2010 in relation to relevance as follows:

- (a) An answer must be directly relevant to the question.
- (b) A point of order regarding relevance may be taken only once in respect of each answer.
- (c) The duration of each answer is limited to 4 minutes.

Hitherto the requirement had been for answers to be 'relevant to the question'—meaning 'relevant in some way or relevant in part, rather than directly or completely relevant', with the result that 'provided the answer is relevant and is not couched in unparliamentary language Ministers may virtually answer questions without notice in any way they choose'.⁴⁹ The issue of relevance has been considered by the House of Representatives Procedure Committee on more than one occasion in the past.

Early in the 43rd Parliament, Speaker Jenkins made a distinction between 'direct answers' and 'answers that are directly relevant'.⁵⁰ He suggested that 'if the standing orders had been changed whereby the same rules applied

46. House of Representatives, [Work of the Session](#), 42nd and 43rd Parliaments, accessed 7 November 2013.

47. *Agreement for a Better Parliament*, op. cit., cl. 4.5, p. 3.

48. *Agreement for a Better Parliament*, op. cit., cl. 4.5, p. 3.

49. I C Harris, ed., [House of Representatives Practice](#), fifth edn, Department of the House of Representatives, Canberra, 2005, pp. 552–3, accessed 5 September 2001.

50. See for example H Jenkins, 'Questions without Notice: Australian Labor Party, Kevin Bracken', House of Representatives, *Debates*, 20 October 2010, p. 932, accessed 6 September 2001; H Jenkins, 'Questions without notice: Broadband', House of Representatives, *Debates*, 16 November 2010, p. 2501.

to answers that applied to questions, especially about debate, I think the point about “direct relevance” might have been solved’.⁵¹ In February 2011 Speaker Jenkins reiterated this view.⁵²

In its 2011 submission to the Procedure Committee’s review of procedural changes in the House, the Opposition expressed the view that argument had ‘increasingly ... crept back into answers’.⁵³ The Opposition also noted that ‘[o]ne way to address the relevance issue is to extend the same requirements on answers as exists with questions ... Speaker Jenkins has also stated his support for such a change’.⁵⁴ The Procedure Committee ‘note[d] the Speaker’s preference to amend standing orders to apply the same rules to questions and answers’.⁵⁵ No subsequent action ensued. As noted above, in February 2012 the standing orders were amended to reduce the time limits to 30 seconds for questions and three minutes for answers, thus allowing question time to conclude by approximately 3.10pm.⁵⁶

Speaker Jenkins had had occasion to remind members that there was a distinction to be observed between the *relevance* of an answer and its *congeniality* to the ears of the questioner.⁵⁷ He had frequently remarked on the difficulty he encountered when trying to discern whether a minister’s answer was digressing because of interjections which prevented him from clearly hearing the answer being given.⁵⁸

Under the terms of the Agreement, the Speaker was required to take a firm line on the relevance of ministers’ answers to questions, and the use of argument in both questions and answers.⁵⁹ He ruled frequently that the introduction of argument was unacceptable, and partly blamed the difficulty in applying the ‘direct relevance’ rule to answers due to the wording used in questions, warning that if questions contained argument there was the potential for debate to ensue.⁶⁰

On the matter of ‘relevance’ Speaker Slipper made clear that in debates other than, for example, adjournment, grievance and budget debates, members should ensure that their speeches were ‘relevant to the question before the House’.⁶¹ Speaker Burke almost invariably used the phrase ‘relevant to the question’ in her rulings rather than ‘directly relevant to the question’.

As recently as June 2013 some members were still raising points of order on the grounds that answers ‘must be directly relevant to the question’. The Member for Mackellar (Mrs Bishop) was a persistent advocate of the requirement that answers be ‘directly relevant’, not simply ‘relevant’.

The *Practice* makes it quite clear. Perhaps under the old standing orders tangential information may have been in order but [an answer under the new standing orders] has to be directly relevant to the question ...⁶²

Supplementary questions

The *Agreement* proposed that ‘the Leader of the Opposition or their delegate has the option of asking one supplementary question during each Question Time’.⁶³ Although the standing orders make provision for

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51. H Jenkins, ‘[Questions without Notice: Economy](#)’, House of Representatives, *Debates*, 24 November 2010, p. 3630, accessed 6 September 2011.
 52. H Jenkins (The Speaker), ‘[Questions without notice: General Practice](#)’, House of Representatives, *Debates*, 22 February 2011, p. 913, accessed 8 September 2011.
 53. C Pyne, ‘Submission to the House of Representatives Standing Committee on Procedure’, [Inquiry into procedural changes implemented in the 43rd Parliament](#), 8 February 2011, p. 3, accessed 2 September 2011.
 54. Ibid.
 55. HRSCP, *Interim Report: Monitoring and review of procedural changes implemented in the 43rd Parliament*, op. cit., p. 38.
 56. Australia, House of Representatives, *Votes and proceedings*, HVP 85, 8 February 2012, 1177–1179; Standing Orders 1, 34, 100(f) and 104 (c), 20 October 2010.
 57. H Jenkins, ‘[Questions without notice: Broadband](#)’, House of Representatives, *Debates*, 16 November 2010, p. 2501. Comment by Speaker Jenkins in response to an interjection by the Member for Sturt (C Pyne).
 58. H Jenkins, ‘[Questions without notice: Asylum seekers](#)’, House of Representatives, *Debates*, 25 October 2010, p. 1292. Comment by Speaker Jenkins in response to an interjection by Opposition members.
 59. H Jenkins, ‘[Questions without Notice: Economy](#)’, House of Representatives, *Debates*, 30 September 2010, p. 338, accessed 6 September 2011.
 60. HRSCP, [Monitoring and review of procedural changes implemented in the 43rd Parliament: 4th Report](#), op.cit., p. 38.
 61. The Speaker (P Slipper), ‘[Statements: Relevance](#)’, House of Representatives, *Debates*, 29 February 2012, p. 2233, accessed 20 September 2013.
 62. B Bishop, on a point of order, *Questions without notice*, ‘[National Broadband Network](#)’, House of Representatives, *Debates*, 4 June 2013, p. 5,067, accessed 3 September 2013.
 63. *Agreement for a Better Parliament*, op. cit., cl. 4.2, p. 3.

supplementary questions, they had not been asked since 1998.⁶⁴ The first supplementary question in the 43rd Parliament was asked by the Leader of the Opposition on 29 September 2010.⁶⁵

On 20 October 2010, Speaker Jenkins noted that the amendments to standing orders did not cover supplementary questions. These, he said, would be ‘handled as matter of practice’.⁶⁶ The Speaker outlined his approach to supplementary questions:

I will apply the following criteria: they need not be asked by the member who has asked the original question and may be asked either by the Leader of the Opposition or a member who appears to have been delegated by the Leader of the Opposition to ask the question, and I note that a supplementary question may be asked by a member other than the member who has asked the original question in a number of other jurisdictions; they should not contain any preamble; and they must arise out of, and refer to, the answer that has been given to the original question.⁶⁷

In the first year of the 43rd Parliament the Speaker noted that implementation was still in its early stages ‘with no recent practice to refer to, and only limited guidance from the Agreement and the standing orders’.⁶⁸ He also indicated that a more flexible approach was possible when, although disallowing an Opposition supplementary question based on a Government member’s question, he said:

... it is something that a mature house in other jurisdictions is able to accommodate and maybe sometime down the track, when others besides the leader of the Opposition and his delegate can ask supplementaries, it is something that we should consider, because it would lead to a much more lively question time.⁶⁹

Following the Hon Peter Slipper’s election as Speaker, he indicated his desire to ‘make question time more spontaneous’⁷⁰ and on 7 February 2012 outlined his proposed trial of allowing up to five supplementary questions each sitting day.⁷¹ This meant that usually up to two supplementary questions would be asked by Government members, one by the Leader of the Opposition or his delegate and one by any member of the Opposition and ‘when a non-aligned member asks a question, a supplementary question will be permitted’.⁷² The Speaker later clarified the crossbench arrangement saying:

My intention is to maintain proportionality and, under current arrangements, that would allow for one supplementary question each week for non-aligned members. Should the number of questions asked by non-aligned members change, I would seek to accommodate that change with regard to supplementary questions.⁷³

The Member for Lyne, Rob Oakeshott (IND) asked the first crossbench supplementary question on 15 February 2012.⁷⁴

On 22 March 2012 the Speaker announced that he had reached the preliminary conclusion that the trial had been a success.⁷⁵ He also noted that he was considering ‘expanding the number of supplementary questions and also allowing one side to ask supplementary questions to an original question asked by the other side’.⁷⁶

Deputy Speaker, Anna Burke (ALP) took the chair on 8 May 2012, following the Speaker’s decision to stand aside from his role as Chair of the House of Representatives.⁷⁷ The arrangements for supplementary questions,

64. HRSCP, *Interim report no 1: Monitoring and review of procedural changes implemented in the 43rd Parliament*, op. cit., p. 38.

65. T Abbott, ‘Questions without Notice: Climate Change’, House of Representatives, *Debates*, 29 September 2010, p. 172, accessed 2 September 2013.

66. H Jenkins, ‘Supplementary questions’, House of Representatives, *Debates*, 20 October 2010, p. 859, accessed 2 September 2013.

67. Ibid.

68. HRSCP, *Interim report no 1: Monitoring and review of procedural changes implemented in the 43rd Parliament*, op. cit., p. 35.

69. H Jenkins, ‘Questions without Notice: Economy’, House of Representatives, *Debates*, 20 October 2010, p. 940, accessed 2 September 2013.

70. P Slipper, ‘Statements – supplementary questions’, House of Representatives, *Debates*, 7 February 2012, p. 112, accessed 2 September 2013.

71. Ibid.

72. Ibid.

73. P Slipper, ‘Statements – parliament’, House of Representatives, *Debates*, 8 February 2012, p. 195, accessed 2 September 2013.

74. R Oakeshott and P Slipper, ‘Questions without notice: Pacific Highway’, House of Representatives, *Debates*, 15 February 2012, p. 1395, accessed 2 September 2013.

75. P Slipper, ‘Statement by the speaker – supplementary questions’, House of Representatives, *Debates*, 22 March 2012, p. 3993, accessed 2 September 2013.

76. Ibid.

77. P Slipper, ‘Statement by the speaker’, House of Representatives, *Debates*, 8 May 2013, p. 4127, accessed 2 September 2013.

introduced by Mr Slipper, remained in place until the end of the 43rd Parliament. In September 2012 he restated, through the Deputy Speaker, the general approach to supplementary questions noting that '[t]he general approach does not override Standing Order 101(b) which gives the occupant of the chair unfettered discretion with respect to supplementary questions'.⁷⁸

Table 3: Number of supplementary questions asked in the House of Representatives

Questions - 43rd Parliament		2010 (Spring)	2011	2012	2013	Total
Questions without notice		335	882	899	540	2,656
Supplementary questions asked	Gov			86	33	
	Opp	20	59	112	65	
	Non-Aligned			12	6	393
Supplementary questions allowed	Gov			86	33	
	Opp	17	57	102	62	
	Non-Aligned			12	6	375
Out of order questions		0	6	8	1	15

Source: House of Representatives Chamber Research Office

Share of questions from independents

The non-aligned members comprised five per cent of all members,⁷⁹ compared with two per cent in the 42nd Parliament; in that Parliament they asked two per cent of the questions without notice. The allocation of the call in Question Time is an informal matter, so the request in the *Agreement* for a proportionate share of questions did not require any amendment to standing orders.⁸⁰ Figures provided by the House of Representatives Chamber Research Office show that in the 43rd Parliament the non-aligned members have asked six per cent of the questions, which is more than their proportionate share.

Points of order in Question Time

During the 174 Question Times in the 43rd Parliament, a total of 1,126 points of order were raised. This represented an average of 6.47 points of order per Question Time.⁸¹

Private Members' bills and business

As noted above, the *Agreement* provided for the establishment of a Selection Committee, chaired by the Speaker, to facilitate private members' engagement across all parliamentary business. The *Agreement* also proposed changes to standing orders to give priority to Private Members' business from the conclusion of committee and delegation business each Monday.⁸² In addition, the *Agreement* required the Speaker, the Leader of the House, and the Selection Committee to ensure that time would be allowed for debate and votes on Private Members' bills during Government Business time in the Main Committee (renamed Federation Chamber).⁸³ These reforms were intended to raise the profile of Private Members' business and address the increased likelihood that a Private Members' bill could be passed by the House even without the support of government.

78. P Slipper, '[Statement by the speaker – supplementary questions](#)', House of Representatives, *Debates*, 12 September 2012, p. 10 367, accessed 2 September 2013.

79. This figure takes into account Tony Crook who entered parliament as a Nationals WA member but sat as a non-aligned member until 5 May 2012, he moved to the Nationals on 8 May 2012; Peter Slipper who was an Independent member from 10 October 2012; and Craig Thomson who was an Independent member from 8 May 2012.

80. *Agreement for a Better Parliament*, op. cit., cl. 4.6, p.3.

81. Figures courtesy of the House of Representatives Chamber Research Office.

82. *Agreement for a Better Parliament*, op. cit., cl. 6.2, p. 4.

83. *Agreement for a Better Parliament*, op. cit., cl. 6.1, p. 4.

Time allowed

The amount of time allowed in the standing orders for Private Members' business in the House increased significantly as shown below.⁸⁴

Table 4: Time allowed under standing orders for Private Members' business in the House of Representatives

Agreement provisions	42nd Parliament	43rd Parliament
Time for Private Members' business in House on Mondays in the Chamber	1 hr	3 hrs 30 mins
Time for Private Members' business in Main Committee (renamed Federation Chamber)	1 hr 35 mins	5 hrs
Time for adjournment debates in the Chamber on Mondays, Tuesdays and Wednesdays	2 hrs	3 hrs 30 mins
Opportunities for 90 second statements moved from Main Committee (renamed Federation Chamber) on Mondays to Chamber on Mondays, Wednesdays and Thursdays	15 mins	45 mins (15 mins per day)
Time for Matters of Public Importance: an extra 30 minutes on Tuesdays and Wednesdays, scheduled to follow Question Time and presentation of documents	1 hr	1 hr 30 mins
Total maximum time available for participation by private Members in the House and Main Committee (renamed Federation Chamber)	10 hrs 20 mins	19 hrs 45 mins

Source: Figures compiled by the Politics and Public Administration Section⁸⁵

Time used

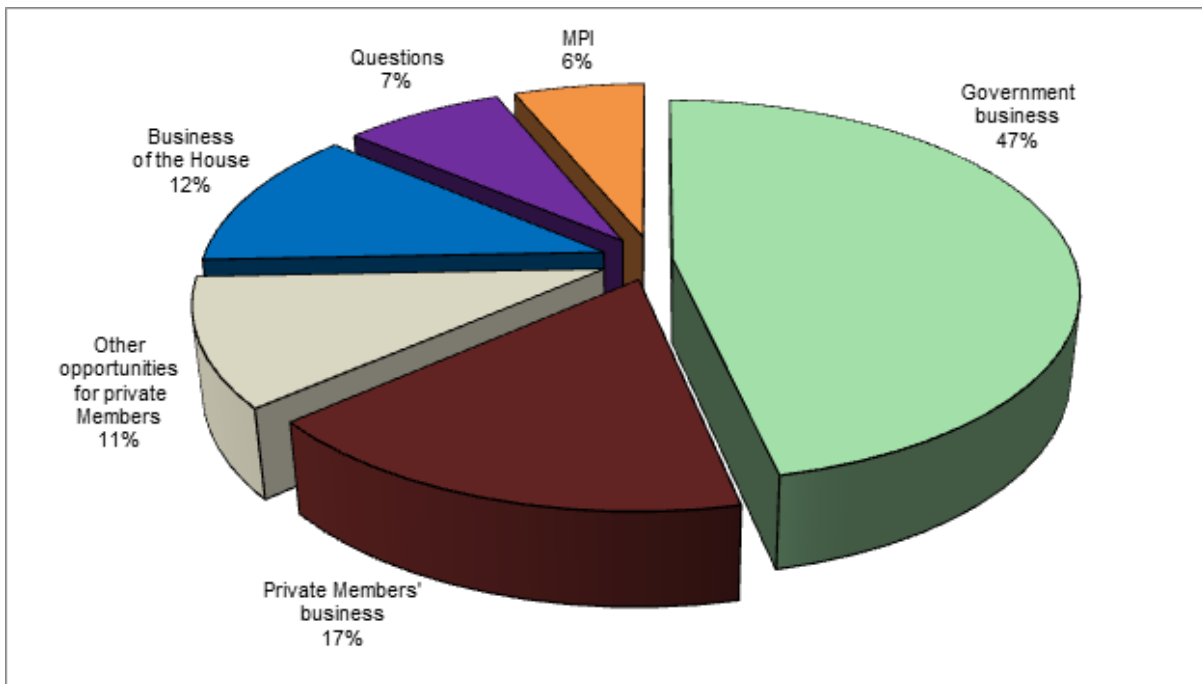
The total time used for Private Members' business in the 43rd Parliament totalled 680 hours 25 minutes.⁸⁶ This included other opportunities for private members (adjournment, grievance debates and debates on Address in Reply). This compared with 348 hours and 56 minutes in the 42nd Parliament. As illustrated in Figure 1 below, the time used for Private Members' business in the 43rd Parliament represented one quarter of the total business conducted in the House, including other opportunities for private members.

84. In November 2010 the Senate Procedure Committee recommended that the Senate also trial a scheme to allow enhanced opportunities for consideration of private senators' bills as envisaged in the agreements on parliamentary reform entered into at the commencement of the 43rd Parliament. It included the provision of two hours and 20 minutes during the week exclusively for the consideration of private senators' bills, and a mechanism for determining which private senators' bills would be considered. The Senate adopted a temporary order giving effect to the trial procedure for the first six months of 2011. The committee recommended it be renewed until the end of the first sitting in 2013. See Senate Standing Committee on Procedure, *Consideration of Private Senators' Bills*, Canberra, November 2010, accessed 6 October 2011; Senate Standing Committee on Procedure, *Procedure Committee first report of 2012*, Canberra, 26 June 2012, accessed 19 September 2013.

85. HRSCP, *Monitoring and review of procedural changes implemented in the 43rd Parliament: 4th report*, op.cit.

86. House of Representatives *Statistical Digest: no 31*, 43rd Parliament, 17 to 27 June 2013; House of Representatives *Statistical Digest: no 26*, 43rd Parliament, 26–29 November 2012; House of Representatives *Statistical Digest: no 15*, 43rd Parliament, 17–24 November 2011; House of Representatives *Statistical Digest: no 3*, 43rd Parliament, 15–25 November 2010, accessed 19 September 2013.

Figure 1: Business conducted in the House of Representatives in the 43rd Parliament



Source: House of Representatives Chamber Research Office

Private members' bills

As noted in the final review report of the House of Representatives Standing Committee on Procedure:

The stated aim of the Agreement was to increase the authority of, and opportunities for participation by all Members. This aim would appear to have been achieved with an increase in both private Members' bills and motions introduced into the House.⁸⁷

A total of 579 Government bills and 76 Private Members' bills were introduced in the House of Representatives in the 43rd Parliament (see Appendix 3 for a list of private members' bills).⁸⁸ Six Private Members' bills received Assent and passed into law: the Auditor-General Amendment Bill 2011; Evidence Amendment (Journalists' Privilege) Bill 2011; Safety, Rehabilitation and Compensation Amendment (Fair Protection for Firefighters) Bill 2011; Low Aromatic Fuel Bill 2012; Parliamentary Service Amendment Bill 2013; and Territories Self-Government Legislation Amendment (Disallowance and Amendment of Laws) Bill 2011.⁸⁹ This compares with a total of 527 Government bills and 20 Private Members' bills introduced in the previous parliament. None of the Private Members' bills introduced in the previous parliament were passed into law.

The following table presents an overview of Private Members' bills introduced to the House by party:

87. HRSCP, *Monitoring and review of procedural changes implemented in the 43rd Parliament: 4th report*, op.cit., p. 23.

88. This includes four bills originating in the Senate.

89. A list of all Private Members' bills introduced to the House during the 43rd Parliament is included at Appendix 3.

Table 5: Private Members' bills introduced in the House of Representatives, by party

Sponsor/s	No. introduced*	Resulting Acts
Australian Greens	17	2
ALP	3	1
Cross-party ⁹⁰	4	2
Independents	30	1
Liberal Party/Nationals	22	0
Total	76	6

*includes four bills introduced from the Senate⁹¹

Source: Compiled by the Politics and Public Administration Section

Prior to the 43rd Parliament, the most recent private bills to receive Assent were presented in the 41st Parliament. Both bills originated in the Senate: the Prohibition of Human Cloning for Reproduction and the Regulation of Human Embryo Research Amendment Bill 2006 and the Therapeutic Goods Amendment (Repeal of Ministerial responsibility for approval of RU486) Bill 2005 [2006]. The latter bill's success was the result of the first cross-party sponsorship in the history of the Australian parliament.⁹² Prior to the 43rd Parliament, the most recent Private Members' bill to originate in the House of Representatives and be enacted while not attracting a conscience vote was the Adelaide Airport Curfew Bill 1999. See Appendix 5 for conscience votes and Appendix 6 for floor crossings in the 43rd Parliament.⁹³

In previous parliaments, Private Members' bills were only occasionally debated and, even then, they were not usually voted on. Whilst very few Private Members' bills have been passed by both Houses, some significant proposals have become law in the past as a result of private senators' and members' initiatives. Compulsory voting at federal elections, for example, 'was introduced as a result of Senator Payne's *Electoral (Compulsory Voting) Act 1924*', and '[t]he banning of tobacco advertising in the print media was achieved through Senator Powell's *Smoking and Tobacco Products Advertisements (Prohibition) Act 1989*'.⁹⁴ Twenty-eight Private Members' bills have passed into law since 1901.⁹⁵

Private members' motions

As a result of the *Agreement*, the Government set aside Thursday mornings for voting on items of Private Members' business recommended by the Selection Committee. A total of 302 items of Private Members' business (excluding Private Members' bills) were moved and debated during the 43rd Parliament.⁹⁶ This compares with 143 items in the 42nd Parliament.

90. These included the Food Standards Amendment (Truth in Labelling—Palm Oil) Bill 2011 sponsored by Senator Xenophon and Senator Brown; the Marriage Equality Amendment Bill 2012 by Mr Bandt and Mr Wilkie; the Patent Amendment (Human Genes and Biological Materials) Bill 2010 by Mr Dutton, Mr Oakeshott, Mr Forrest and Mr Turnbull; and the *Safety, Rehabilitation and Compensation Amendment (Fair Protection for Firefighters) Act 2011* by Mr Bandt, Mr Broadbent and Ms Vamvakinou.

91. Food Standards Amendment (Truth in Labelling—Palm Oil) Bill 2011; Low Aromatic Fuel Bill 2012; Territories Self-Government Legislation Amendment (Disallowance and Amendment of Laws) Bill 2011; and Parliamentary Service Amendment Bill 2013 (introduced from the Senate by the Speaker). See Appendix 3.

92. The Therapeutic Goods Amendment (Repeal of Ministerial responsibility for approval of RU486) Bill 2005 [2006] was co-sponsored by women Senators from four different parties, and its passage effectively lifted a ministerial veto on the 'abortion pill' RU486. M Sawyer, 'Women and representation revisited: Institutional supports for the substantive representation of women', unpublished paper courtesy of the author, 2011.

93. Introduced by Ms Christine Gallus, the then Member for Hindmarsh (SA).

94. Department of the Senate, *Senate Brief No. 8: The Senate and Legislation*, Department of the Senate, Canberra, May 2011, accessed 28 August 2013.

95. BC Wright, ed, *House of Representatives Practice*, sixth edn, 6 September 2012, pp. 585–6, accessed 28 August 2013 and updated to end of 43rd Parliament.

96. Compiled from House of Representatives, *Work of the session*, 43rd Parliament (from 2010 to 2013), accessed 19 September 2013. Also see Wright, *House of Representatives Practice*, op.cit., p. 570.

Adjournment debates, 90 second statements and constituency statements

The additional time devoted to Private Members' business in both Chambers has had a marked effect on the number of members able to speak in Adjournment debates and make 90-second and constituency statements. The table below compares the number of speeches made in the 42nd Parliament with the 43rd Parliament.

Table 6: Private Members' business—number of speeches

Private members' speeches	42nd Parliament		43rd Parliament	
	Occurrences	No.	Occurrences	No.
Adjournment (House and Federation Chamber)	187	1,275	189	1,950
Grievance	32	185	40	243
90 second statements	33	340	125	1,221
Members' constituency statement	127	1,286	152	1,553
Total	379	3,086	506	4,967

Source: House of Representatives Chamber Research Office

Pairs

The *Agreement* referred to pairing arrangements for members as follows:

Additional mechanisms will be considered that responsibly deal with essential absences by Members from the House, including 'pairs'.

The Government and Opposition will guarantee a 'pair' to non-aligned Members providing there are reasonable grounds.

These arrangements may be similar to those that currently occur between the Whips in the Senate.⁹⁷

On 29 September 2010 the Leader of the House, the Hon Anthony Albanese, noted that not all reforms contained in the *Agreement* were suitable for implementation through standing orders. Mr Albanese stated that these sorts of reforms:

... will require development through cooperation and practice. Indeed one of the contentious issues, the issue of pairing—whether it be pairing of the Speaker or pairing between members—has always been a matter of practice and is not reflected in standing orders. We believe that it is unfortunate that the opposition walked away from the commitment they signed up to, which was that the Speaker and the Deputy Speaker be paired in this House.⁹⁸

Pairs were not reported in only four divisions out of a total of 502 counted divisions in the 43rd Parliament.⁹⁹ Pairing arrangements were contentious on a number of occasions and in relation to a number of specific issues, including the Government's Clean Energy bills. The Leader of the Opposition stated that '[o]nly in the most extraordinary circumstances will pairs be offered for the carbon tax vote', while the Leader of Opposition Business in the House said that 'there'll be no pairs granted during the carbon tax vote'.¹⁰⁰ However, on that occasion a then-ALP member, Craig Thomson, was granted a pair for his absence while awaiting the birth of his child; he was paired for ten divisions on the package of Clean Energy bills on 11 October 2011.

It is indicative of the climate of the 43rd Parliament that in a recent interview former Prime Minister Gillard stated that her suite at Parliament House was re-wired to enable the bells to be heard in case there was an evening division. In other parliaments attendance by the leaders in evening divisions are not considered essential.¹⁰¹

97. *Agreement for a Better Parliament*, op. cit., cl. 17.1, p. 9.

98. A Albanese, 'Standing orders', House of Representatives, *Debates*, 29 September 2010, p. 116, accessed 3 October 2013.

99. Divisions on 29 September 2010, 18 October 2010, 20 June 2011 and one division on 5 July 2011.

100. 'Pairs controversy looms for carbon tax debate', *ABC PM*, transcript, Australian Broadcasting Corporation (ABC), 8 September 2011, accessed 3 October 2013.

101. *Julia Gillard in conversation with Anne Summers*, *ABC News 24*, 30 September 2013, accessed 3 October 2013.

Divisions

There were nearly 50 per cent more divisions in the 43rd Parliament than there had been in the previous Parliament. This Parliament saw 502 regular divisions and 42 uncounted divisions (divisions with fewer than five members on a side), compared with 345 and six respectively in the 42nd Parliament. The average number of divisions per day in the 43rd Parliament (3.1) is also higher than average of 2.2 for the 1991–2011 period, as reported in *House of Representatives Practice*.¹⁰²

The Speaker used his/her casting vote on 15 occasions, twice with the Opposition (to allow the debate to continue) and 13 times with the Government. On two other occasions the vote was tied but since they were on matters requiring an absolute majority the Speaker did not exercise his casting vote.

On seven occasions the Government and the Opposition voted together against five or more members, usually independents but on one occasion against two Coalition members who had crossed the floor (see Table 13 below).¹⁰³ Another unusual division was for the third reading of the Constitution Alteration (Local Government) [Bill] 2013 on 5 June 2013 where two Coalition members voted 'No'. That division is not included in the list of floor crossing in Table 13 for the reasons given in footnote 144.

A significant feature of divisions in the 43rd Parliament was the 61 divisions lost by the Government, although most of these could be described as procedural matters, including 49 on closure motions. The vote on the second reading for one Government bill, the Fair Work Amendment (Transfer of Business) Bill 2012, was tied but the Speaker gave her casting vote with the 'ayes' to allow further debate on the bill'.¹⁰⁴

Table 7: Divisions in the House of Representatives during the 43rd Parliament

Divisions	No. of divisions
Divisions lost by Government (includes two divisions where the Speaker used his/her casting vote to vote with the Opposition)	61
Comprising:	
Closure of member	47
Closure of debate	2
Suspension of member	1
Private members' motions	3
Private member's bill – 2R (includes one recommittal under SO 132)	2
Extension of time to member	2
Government bill – Opposition amendments (recommitted under SO 132)	1
Adjournment	1
Standing orders matters	2
Divisions where Government was outvoted but where Standing orders required an absolute majority	13
Divisions won by Government (includes 13 divisions where the Speaker used his/her casting vote to vote with the Government and includes two tied votes)	428
Total	502

Source: Figures compiled by the Politics and Public Administration Section

102. *House of Representatives Practice*, 6th edition, 2012, p. 274, footnote 329.

103. Australia, House of Representatives, 'Migration Amendment (Unauthorised Maritime Arrivals and Other Measures) Bill 2012—deferred division', *Votes and Proceedings*, HVP 144, 27 November 2012; see also footnote 144.

104. Australia, House of Representatives, 'Fair Work Amendment (Transfer of Business) Bill 2012', [Votes and Proceedings](#), 1 November 2012, p. 1950, accessed 24 September 2013.

Of continuing interest was the voting pattern in divisions of the independent and minor party members and of Mr Thomson and Mr Slipper who became independents during the course of the Parliament.¹⁰⁵ The following summary table and graph show their votes:

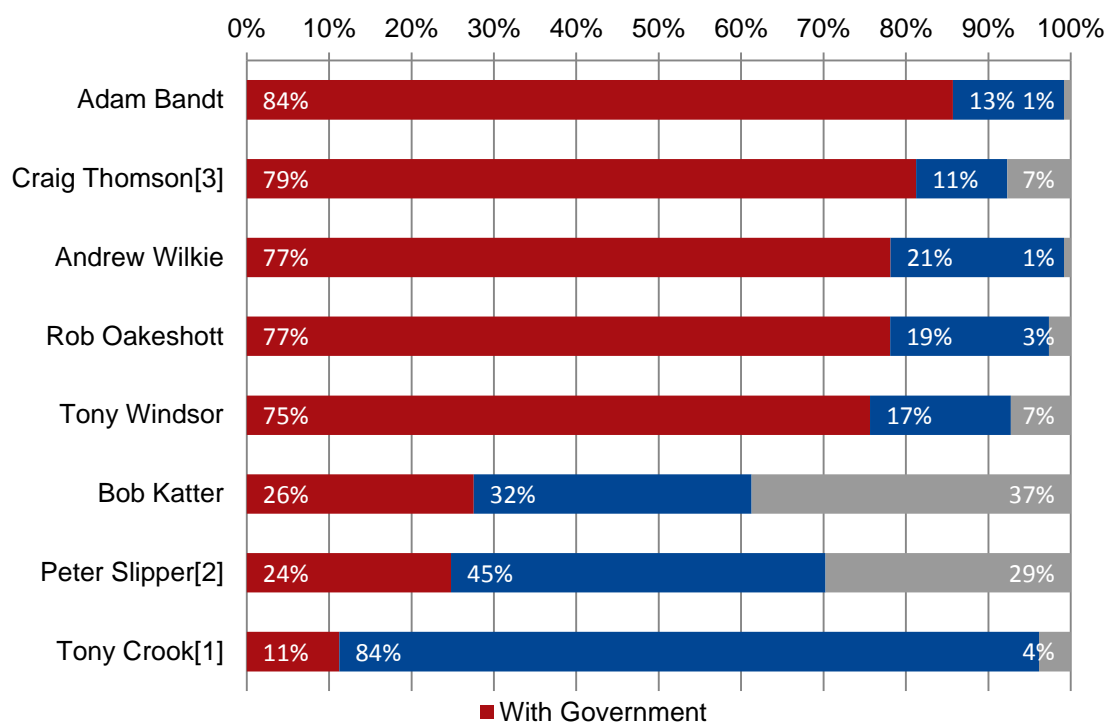
Table 8: Independents' voting patterns in the 43rd Parliament (by number)

	With Gov	With Opposn	With both Gov and Opposn	Against both Gov and Opposn	Paired	Absent	Free vote 19.9.12	Total
Mr Bandt	420	66	1	6	4	4	1	502
Mr Katter	133	163	4	2	12	187	1	502
Mr Oakeshott	385	95	3	4	1	13	1	502
Mr Wilkie	386	104	2	5	0	4	1	502
Mr Windsor	376	85	1	3	0	36	1	502
Mr Crook (to 7.7.2012)	32	242	0	1	1	11	N/A	287
Mr Thomson (from 8.5.12)	169	23	1	4	1	16	1	215
Mr Slipper (from 10.10.12)	30	55	2	0	0	36	N/A	123

Source: Figures compiled by the Politics and Public Administration Section

105. Mr Slipper became an Independent from 24 November 2011 and Mr Thomson from 29 April 2012. See also M Lumb, [The 43rd Parliament: traits and trends](#), Research paper, 2013–14, Parliamentary Library, 2 October 2013, accessed 6 November 2013.

Figure 2: Independents' voting patterns in the 43rd Parliament (by percentage)



[1] Since 8 May 2012 Mr Crook has sat with The Nationals. [2] Counting Mr Slipper only from 10 October 2012. [3] Counting Mr Thomson only since 8 May 2012.

Source: Figures compiled by the Politics and Public Administration Section

Suspensions

Members named and suspended or directed to leave the chamber for one hour

During the 43rd Parliament members were named and suspended from the House of Representatives on four occasions compared with 14 occasions during the 42nd Parliament. There were 273 occasions when members were directed to leave the Chamber for one hour compared to 154 during the previous Parliament. Combining both disciplinary measures, the 43rd Parliament saw a 65% increase in the occasions when members were either named and suspended or ordered to leave the Chamber for one hour.

There was one occasion during the 43rd Parliament when the member was named but the vote to suspend him was lost by one vote. This was only the third occasion this has happened in the Commonwealth Parliament. Such a vote has usually been seen as the House expressing a lack of confidence in the Speaker and on one occasion led to his resignation. However, in this case Rob Oakeshott, who had voted against the motion to suspend, explained that he was not expressing a lack of confidence in the Speaker but rather supporting a private member's rights. The House immediately passed a motion expressing its confidence in the Speaker and the possible resignation of the Speaker was averted.¹⁰⁶

The vast proportion of disciplinary actions in both parliaments were being ordered to withdraw from the Chamber for one hour, accounting for 92 per cent in the 42nd Parliament and 99 per cent in the 43rd Parliament. Most disciplinary actions occurred during Question Time (92 per cent during the 42nd Parliament and 88 per cent during the 43rd Parliament).

Opposition Coalition members accounted for the largest group, and proportion, of disciplinary actions in both parliaments. Coalition members were named and suspended or ordered to withdraw on 151 out of 168 occasions (90 per cent) in the 42nd Parliament and 247 out of 277 occasions (89 per cent) during the 43rd Parliament. The ALP's proportion increased from 9 per cent to 10 per cent. These figures are consistent with those for Opposition and Government parties in previous Parliaments.

106. R Oakeshott, 'Motions—Speaker', House of Representatives, [Debates](#), 31 May 2011, pp.583–4, accessed 28 August 2013.

Table 9: Number of disciplinary actions by type and party in the House of Representatives

Parliament	Party	Directed to withdraw for one hour	Named and suspended	Total
42nd Parliament	Liberal	136	13	149
	Nationals	1	1	2
	ALP	15	0	15
	Independents	2	0	2
	Total	154	14	168
43rd Parliament	Liberal	217	2	219
	Nationals	26	2	28
	ALP	28	0	28
	Independents	2	0	2
	Greens	0	0	0
	Total	273	4	277

Source: Figures compiled by the Politics and Public Administration Section

Ministerial statements

The *Agreement* called for Ministerial statements and responses to be limited to 10 minutes. It also called for the Speaker to provide proportionate opportunities for non-Government members to respond to Ministerial Statements.¹⁰⁷ In the 43rd Parliament 88 ministerial statements were made, and speeches in response to them were made by the Greens member and most of the independent members, as well, of course, by members of the major parties. In the 42nd Parliament more ministerial statements were made (125) but there were fewer speeches in response.

Recommittal of votes

Further to the *Agreement* an amendment to Standing Order 132 was moved by the Leader of the House on 29 September 2010 to allow for a vote to be repeated where a division has miscarried through misadventure, where a member was accidentally absent. This proposed change was further amended by the Opposition requiring that standing orders be suspended to enable the recommittal of a vote.¹⁰⁸ In the 43rd Parliament there were two instances of a vote being recommitted. The first was on 10 February 2011 when the Leader of the House moved a suspension of standing orders (agreed to without a division) to enable the repetition of the vote on a private member's bill due to an Opposition member's illness and non-attendance at the first division.

On the second occasion, on 15 May 2013, four Government members missed a division thus allowing the passage of Opposition amendments to the Superannuation Legislation Amendment (Service Providers and Other Governance Measures) Bill 2012. The Leader of the House was twice refused leave to suspend standing and sessional orders to move that the House divide again, but after some debate later in the day the suspension motion was carried by the required absolute majority and the Opposition amendments were not carried the second time.

On a third occasion, on 5 June 2013, an Opposition member and an independent member missed a division on a motion to suspend standing and sessional orders moved by Mr Wilkie to allow him to refer a matter to the Parliamentary Joint Committee on Intelligence and Security. The suspension motion was not carried by the required absolute majority and the Opposition moved a further suspension motion to enable the House to divide again. This second suspension motion was carried but fell short of the required absolute majority by one vote

107. *Agreement for a Better Parliament*, op. cit., cl. 9.2, p. 5.

108. A Albanese, 'Standing orders', House of Representatives, [Debates](#), 29 September 2010, p. 133, accessed 26 September 2011.

(the independent member was again absent) so the original suspension motion moved by Mr Wilkie was not recommitted.

Volume of legislation

Despite the finely balanced numbers in the 43rd Parliament there were no defeats on any stages of Government bills. However the vote for the second reading on one Government bill, the Fair Work Amendment (Transfer of Business) Bill 2012, was tied on 1 November 2012 but the Speaker gave her casting vote with the 'ayes' to allow further debate on the bill.

Five Government bills were discharged from the Notice Paper during the course of the 43rd Parliament:

[Federal Financial Relations Amendment \(National Health and Hospitals Network\) Bill 2010](#) on 16 August 2011

[Broadcasting Legislation Amendment \(News Media Diversity\) Bill 2013](#) on 21 March 2013

[News Media \(Self-regulation\) Bill 2013](#) on 21 March 2013

[News Media \(Self-regulation\) \(Consequential Amendments\) Bill 2013](#) on 21 March 2013

[Public Interest Media Advocate Bill 2013](#) on 21 March 2013

The first passed the House of Representatives on 24 November 2010, and was introduced in the Senate on 9 February 2011 but was not debated before being discharged from the Senate Notice Paper on 16 August. The four media bills were introduced and debated on 14 March 2013, faced considerable opposition from the Coalition and were discharged from the Notice Paper the following week.

With the proroguing of the Parliament 16 Government bills before the House of Representatives lapsed and there were 28 bills still before the Senate. In addition, although it had passed both Houses with the required absolute majority, the Constitution Alteration (Local Government) [Bill] 2013 lapsed following the announcement on 4 August that the proposed referendum would not take place. A total of 50 Government bills (including the five listed above) lapsed.

In the course of the Parliament there has been much discussion about the number of bills opposed by the Opposition, and whether this was higher or lower than in previous parliaments. In compiling the below table, bills were determined to be opposed if there was a division at the second or third reading stages in either chamber.

Table 10: Bills Introduced in 38th to 43rd Parliaments—proportion opposed

Parl.	Govt Bills intro.	Govt Bills opp. at 2R or 3R	% Govt Bills opp.	Govt Bills not proceeding	Govt Bills not proceeding opp.	% Govt Bills not proceeding opp.	Private MPs Acts	Total Acts
38th	513	53	10.33	103	16	15.53	1	411
39th	661	54	8.16	92	29	31.52	3	572
40th	537	48	8.93	110	30	27.27	0	427
41st	583	46	7.89	37	3	8.10	3	549
42nd	552	92	16.66	143	67	46.85	0	409
43rd	610	128	20.98	50*	4	8.00	6 [†]	566

Key: 'Acts' comprises Bills that have passed both Houses, received assent, or been enacted

opp. = opposed

†Three of the successful Private Member's Bills were opposed

*Constitution Alteration (Local Government) [Bill] 2013 was passed by both Chambers but will not be enacted

Source: Compiled by the Politics and Public Administration Section

Committees

The *Agreement* specified a reduction in the number of general purpose House of Representatives standing committees and the number of members on each committee. It also provided that the Chair of the Joint

Parliamentary Committee on Public Accounts and Audit be a non-aligned member or be drawn from a non-Government party.¹⁰⁹

The *Agreement* also sought to ensure that committee reports were given serious and timely consideration, especially where committees recommended action by governments.

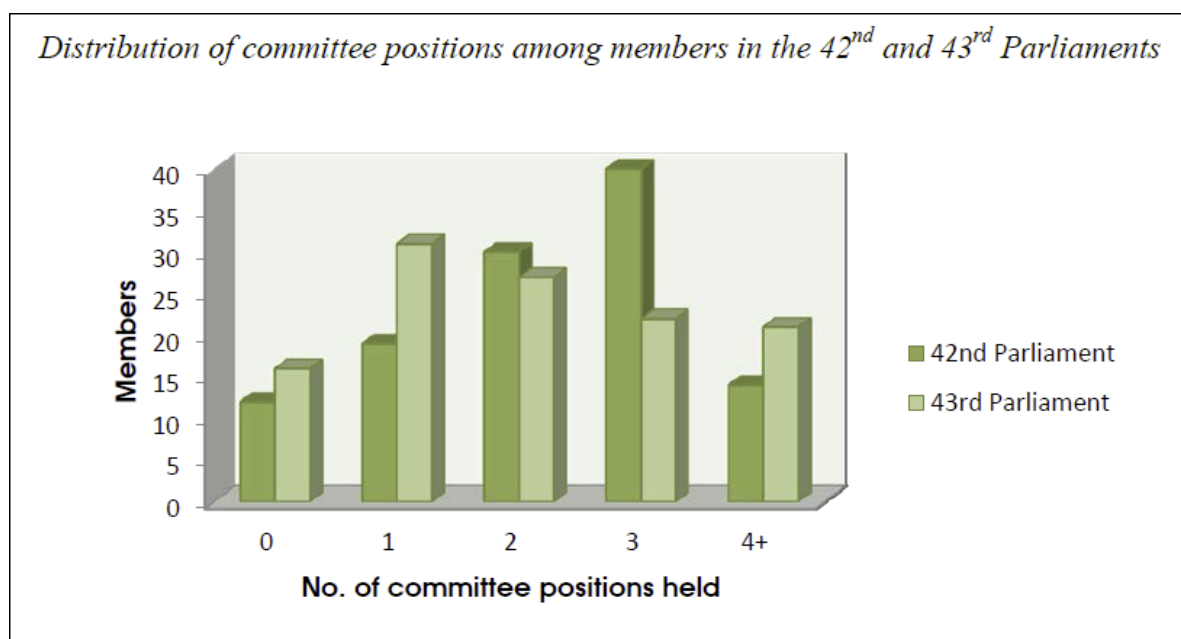
In September 2010 a six-month timeframe for government responses to committee reports was adopted by the House, with a requirement for an explanatory statement if the timeframe was not complied with, along with a requirement that ministers (or their representatives) make themselves available to the relevant committee to answer questions regarding the explanatory statement.¹¹⁰

In addition to a six-monthly schedule of outstanding government responses tabled by the Speaker, the first Notice Paper of each sitting fortnight contained a list of those reports awaiting a response by government, and an indication of whether the report had been made within the six-month period, and if not, whether a ministerial statement had been tabled.

Implementation of the *Agreement* reduced the number of standing committees from 12 in the previous parliament to nine. The number of positions per committee was also reduced from 10 permanent members (six government and four non-government) to seven permanent members (four government and three non-government) with an added provision that, if a non-aligned member was appointed to a committee, the total membership would be increased to eight.

Membership of the standing committees continued to reflect the party membership of the House. To accommodate participation by members in inquiries of particular interest, the standing orders were amended to allow for up to four supplementary members (two government and two non-government or non-aligned members) per inquiry.¹¹¹

Figure 3: Distribution of committee positions among members in the 42nd and 43rd Parliaments



Source: B Wright, 'Committee work in a hung Parliament: A House of Representatives perspective'¹¹²

Nine House of Representatives general purpose (portfolio-related) standing committees were established as follows:

109. *Agreement for a Better Parliament*, op. cit., cl. 10.4, p. 6.

110. A Albanese, 'Government responses to committee reports', House of Representatives, [Debates](#), 29 September 2010, p. 143, accessed 2 September 2011; ultimately a committee can 'bring the matter to the attention, if appropriate, of the Auditor-General for assistance in resolving matters referred to in the report or to the Speaker for assistance in resolving the response process': *ibid.*

111. HRSCP, *Interim Report: Monitoring and review of procedural changes implemented in the 43rd Parliament*, op. cit., p. 40.

112. B Wright, 'Committee work in a hung Parliament: A House of Representatives perspective', Address to the Presiding Officers and Clerks Conference, Canberra, July 2013, accessed 6 November 2013.

- Standing Committee on Aboriginal and Torres Strait Islander Affairs
- Standing Committee on Agriculture, Resources, Fisheries and Forestry
- Standing Committee on Climate Change, Environment and the Arts
- Standing Committee on Economics
- Standing Committee on Education and Employment
- Standing Committee on Health and Ageing
- Standing Committee on Infrastructure and Communication
- Standing Committee on Regional Australia, and
- Standing Committee on Social Policy and Legal Affairs.

The principal purpose of reducing the number and size of standing committees was ‘to allow Members to dedicate more time to the committee or committees on which they serve’.¹¹³ In the 42nd Parliament there had been 256 positions on House and joint committees that were filled by 118 members eligible to be members. As a result, most eligible members were required to serve on two or three committees and a number served on as many as four.¹¹⁴ Distribution of committee positions in the 43rd Parliament were such that, while fewer members served on two or three committees, substantially more served on four or more committees.

With the number of portfolio-related standing committees reduced to nine, seven ‘domestic’ committees dealt with House of Representatives matters (including Procedure), and members also remained active on the various joint committees of the Parliament. The 43rd Parliament witnessed the establishment of several joint select committees. Overall, the number of committees proved comparable to that of previous parliaments.

In line with the *Agreement*, standing orders were amended to allow committee chairs and deputy chairs to make announcements in the House in relation to committee inquiries during periods for committee and delegation business on Mondays.¹¹⁵

Committee work was a major feature of many Members’ work throughout the life of the Parliament. In addition to the workload generated by the referral of bills, House committees conducted many inquiries into broader aspects of public policy. By 6 June 2013 House and joint committees had presented 315 reports containing well over 1,400 recommendations; in addition 99 advisory reports were presented on bills. By comparison 187 reports were presented in the 42nd Parliament.¹¹⁶

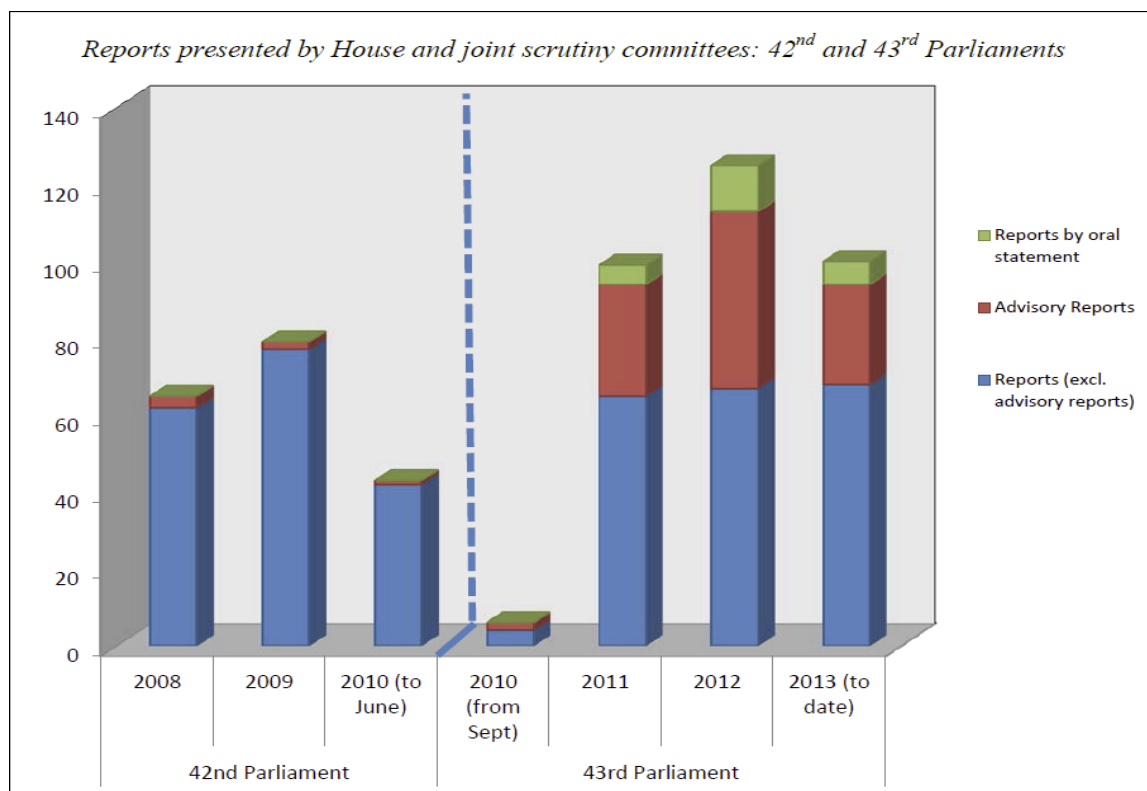
113. HRSCP, [Interim Report: Monitoring and review of procedural changes implemented in the 43rd Parliament](#), op. cit., p. 39. 2011.

114. Ibid.

115. Standing order 39(a), 20 October 2010.

116. B Wright, ‘[Hung parliaments – are they good for parliament?](#)’, Address to Australian Study of Parliament Group (ASPG) Victorian Chapter Seminar, June 2013, accessed 6 November 2013.

Figure 4: Reports presented by House and joint scrutiny committees in the 42nd and 43rd Parliaments



Source: B Wright, '[Committee work in a hung Parliament: A House of Representatives perspective](#)'¹¹⁷

Resources of the Parliament

A number of proposals in the *Agreement* related directly to the resourcing of the Parliament, and particularly the House of Representatives¹¹⁸, including:

- the establishment of a Parliamentary Budget Office (PBO)
- a review of staffing levels within the House of Representatives Committee Office¹¹⁹
- a review of staffing levels within the Parliamentary Library¹²⁰
- the establishment of a [House Committee on Appropriations and Administration](#).¹²¹

Parliamentary Budget Office

The *Agreement* required that a [Parliamentary Budget Office](#) (PBO) 'be established, based in the Parliamentary Library, to provide independent policy costings, fiscal analysis and research to all members of parliament, especially non-government members.' It also required that the 'structure, resourcing and protocols for such an Office be the subject of a decision by a special committee of the Parliament which is truly representative of the Parliament.'¹²²

117. B Wright, '[Committee work in a hung Parliament: A House of Representatives perspective](#)', Address to the Presiding Officers and Clerks Conference, Canberra, July 2013, accessed 6 November 2013.

118. *Agreement for a Better Parliament: Parliamentary Reform*, Clause 16.1–16.3, p. 8, op. cit.

119. The review was conducted by independent consultants and its recommendations were accepted by the House of Representatives.

120. HBA Consulting, [Review of the staffing levels of the Parliamentary Library](#), June 2011, accessed 21 November 2013.

121. The Standing Committee on Appropriations and Administration was established under standing order 222a on 29 September 2010. It makes an [annual report](#) to the House on its operations.

122. *Agreement for a Better Parliament*, op. cit., cl. 16.1, p. 8.

A Joint Select Committee on the PBO was established under a [resolution of appointment](#) passed by the House of Representatives on 18 November 2010 and by the Senate on 22 November 2010. The Committee tabled its report on 23 March 2011 and made 28 recommendations.¹²³ On 10 May 2011 the Government announced that it ‘will provide \$24.9 million over four years to establish an independent ... PBO that will assist Parliament in its scrutiny of the budget and fiscal policy’.¹²⁴ On 1 August 2011 the Government tabled its [response](#) to the Joint Select Committee’s report and agreed fully or in principle to all the recommendations.¹²⁵

In August 2011 the Government and the Opposition introduced separate bills into the House of Representatives seeking to establish a PBO. The Government bill sought to establish the PBO as a fourth parliamentary department, while the Opposition bill (a private members’ bill) sought to establish the PBO as a separate statutory authority.¹²⁶ The Government bill would enable some PBO costings to be publicly available, and the Government indicated that its bill incorporated the unanimous recommendations of the Joint Select Committee.¹²⁷

Under the Opposition’s bill the PBO costings would be completely confidential and the PBO would not be permitted to publish material in relation to requests for advice by MPs without their consent.¹²⁸ Much of the controversy over the PBO had concerned the extent, nature and timing of the publication of policy costings.¹²⁹ Under the [Charter of Budget Honesty](#), the major parties are supposed to submit their costings of policy proposals to Treasury and the Department of Finance during the period of caretaker government leading up to an election.¹³⁰

Debate on the Opposition’s bill was adjourned on 12 September, the Government bill was passed by the House of Representatives on 21 September 2011, and it then proceeded to the Senate.¹³¹ The PBO was ultimately established as a separate parliamentary department with the passing of the *Parliamentary Service Amendment (Parliamentary Budget Officer) Act 2011* (the Act) in December 2011 and the Parliamentary Budget Officer was appointed on 23 May 2012.¹³²

In 2013, an amending Act—the [Parliamentary Service Amendment \(Parliamentary Budget Officer\) Act 2013](#)—provided, among other things, for a post-election report to be prepared by the PBO that sets out, for each political party, costings of all the election commitments of that party and the ‘total combined impact those election commitments would have on the Commonwealth budget sector and Commonwealth general government sector fiscal estimates for the current financial year and the following 3 financial years’.¹³³

The Act, as amended, gives the Parliamentary Budget Officer the following functions:

- outside the caretaker period for a general election, to prepare policy costings on request by Senators and Members, with the requests and the PBO’s responses to be kept confidential if so directed by the requestor
- during the caretaker period for a general election, to prepare costings of publicly announced policies on request by authorised members of Parliamentary parties or independent members

123. Joint Select Committee on the Parliamentary Budget Office (JSCPO), [Inquiry into the proposed Parliamentary Budget Office](#), JSCPO, Canberra, March 2011, accessed 3 October 2013.

124. W Swan and P Wong, [Establishment of a Parliamentary Budget Office](#), media release, 10 May 2011, accessed 3 October 2013.

125. Joint Select Committee on the Parliamentary Budget Office, [Inquiry into the proposed Parliamentary Budget Office](#), House of Representatives, Canberra, March 2011, pp. xv–xx.

126. Explanatory Memorandum, [Parliamentary Service Amendment \(Parliamentary Budget Officer\) Bill 2011](#), p. 1, accessed 3 October 2013; Explanatory memorandum, [Parliamentary Budget Office Bill 2011](#), p. 4, accessed 4 October 2013. Ibid., ‘Notes on clauses’.

127. Explanatory Memorandum, [Parliamentary Service Amendment \(Parliamentary Budget Officer\) Bill 2011](#), op. cit., p. 10; J Kelly, ‘[Swan unleashes on election costings](#)’, *The Australian*, 12 September 2011, p. 2, accessed 4 October 2013.

128. Explanatory Memorandum, [Parliamentary Budget Office Bill 2011](#), p. 4; [Parliamentary Budget Office Bill 2011](#), item 7; L Tingle, ‘[Libs shy off costing of pledge](#)’, *Australian Financial Review*, 14 September 2011, accessed 4 October 2013.

129. R Mulgan, ‘[Costing the promises: what is a Parliamentary Budget Office?](#)’, *The Conversation*, 13 September 2011, accessed 4 October 2013; see also P Martin, ‘[Hockey shies from costings unit as ethics probe drags on](#)’, *The Age*, 13 September 2011, accessed 4 October 2013.

130. Department of Finance, ‘[Charter of Budget Honesty – Policy Costing Guidelines](#)’, accessed 4 October 2013.

131. D Tehan, ‘[Parliamentary Budget Office Bill 2011; Charter of Budget Honesty Bill Amendment Bill 2011](#)’, House of Representatives, *Debates*, 12 September 2011, p. 9,796, accessed 4 October 2013; Australia, House of Representatives, ‘[Parliamentary Service Amendment \(Parliamentary Budget Officer\) Bill 2011](#)’, *Votes and Proceedings*, HVP 69, 2010–11, p. 939, accessed 4 October 2013.

132. ‘[Statement by the Speaker: Appointment of the Parliamentary Budget Officer](#)’, House of Representatives, *Debates*, 30 May 2012, p. 6305, accessed 4 October 2013.

133. [Parliamentary Service Amendment \(Parliamentary Budget Officer\) Act 2013](#), section 64MA(1)(a) and (b), accessed 24 September 2013.

- to prepare responses (other than policy costings) to requests relating to the budget by Senators and Members, with the requests and the PBO's responses to be kept confidential if so directed by the requestor
- to prepare submissions to inquiries of Parliamentary committees, on request by such committees, with the requests and the PBO's responses to be made publicly available
- after a general election to report on election commitments of designated Parliamentary parties, and
- to conduct, on his or her own initiative, research on the budget and fiscal policy settings, with the results of this work to be made publicly available.

The PBO's departmental resourcing for 2013–14 is \$7.7 million, which includes \$500,000 it receives every third year to accommodate the additional workload associated with elections. In addition the PBO has a special appropriation of \$6.0 million provided under section 64D of the [Parliamentary Service Act 1999](#). The PBO will access \$2.9 million of these funds in 2013–14 to meet its permanent Parliament House accommodation and secure information technology (IT) network expenditure. Both projects are expected to be completed in October 2013.¹³⁴

The PBO comprises a Budget Analysis Division, a Fiscal Policy Analysis Division, and a Corporate Strategy Branch. The PBO is funded for approximately 40 permanent staff and is able to supplement its staffing with contract resources from time to time to meet workload peaks or to access specialist expertise. The PBO currently has 35 staff, and recruitment has continued in 2013 to fill the remaining positions.¹³⁵

In undertaking its functions, the PBO relies heavily on accessing information from Government agencies. A Memorandum of Understanding between the Parliamentary Budget Officer and the Heads of Commonwealth Bodies in relation to the Provision of Information and Documents in conjunction with [Australian Government Protocols Governing the Engagement between Commonwealth Bodies and the Parliamentary Budget Officer](#) govern these arrangements.¹³⁶

The PBO is exempt from the provisions of the *Freedom of Information Act 1982*, as are all documents relating to the PBO that are in the hands of other Government agencies.¹³⁷

Other matters

Parliamentary Integrity Commissioner

The *Agreement* proposed the establishment of the office of the Parliamentary Integrity Commissioner (PIC) to:

... provide advice, administration and reporting on parliamentary entitlements, investigate and make recommendations to the Privileges Committees on individual investigations, provide advice to parliamentarians on ethical issues and uphold the Parliamentary Code of Conduct and control and maintain the Government's Lobbyists register.¹³⁸

A bill for a National Integrity Commissioner had first been introduced in the Senate by the Australian Greens on 22 June 2010 and lapsed at the end of the 42nd Parliament. It was reintroduced into the Senate in the 43rd Parliament on 30 September 2010. The bill proposed the establishment of the National Integrity Commission as an independent, statutory authority comprising:

- a National Integrity Commissioner dealing with public officials and Commonwealth agencies, and possessing substantial investigatory powers, including the execution of search warrants

134. Information supplied by the Parliamentary Budget Office. See also P Bowen, 'The Parliamentary Budget Office: An independent and non-partisan institution of the Australian Parliament', Keynote Address to the CPA Congress 2012 Canberra, 16 November 2012, pp. 1–7, accessed 4 October 2013.

135. Ibid.

136. Ibid.

137. Ibid.

138. *Agreement for a Better Parliament*, op. cit., cl. 18, p. 9.

- a Law Enforcement Integrity Commissioner, to exercise the powers and functions conferred under the Law Enforcement Commissioner Act 2006, and
- an Independent Parliamentary Advisor, to advise serving and former parliamentarians, and their staff members, on issues of ethics and conduct, including conflicts of interest.

Debate on the Bill was adjourned on 30 September 2010.

On 17 May 2012, the Leader of the Australian Greens, Senator Christine Milne, stated that the party would:

Move to refer their bill to establish a National Integrity Commissioner to the Senate Legal and Constitutional Affairs Legislation Committee and simultaneously introduce it into the House of Representatives ...

The bill as drafted needs work to appropriately balance effectiveness with the proper protections from coercive powers and other matters of procedural fairness. That's why we are seeking to refer this to a Senate Inquiry so we can get expert advice on how best to find that balance.¹³⁹

In May 2012 a near-identical bill, the National Integrity Commissioner Bill 2012, was introduced into the House of Representatives by Adam Bandt (Australian Greens).¹⁴⁰ The House of Representatives Selection Committee referred the bill to the House of Representatives Standing Committee on Social Policy and Legal Affairs for inquiry and report. The reasons for referral were:

In accordance with the Speaker's ruling on 2 June 2011, this bill is in fact an appropriation bill contravening standing orders 179 and 180 and therefore cannot proceed in its current form. Further, the proposed powers are very wide-ranging and need further investigation.¹⁴¹

The Social Policy and Legal Affairs committee reported on 10 September 2012 and made two recommendations:

Recommendation 1

The Committee recommends that the House Selection Committee request a ruling from the Speaker of the House on the status of the National Integrity Commissioner Bill 2012 prior to its debate.

Recommendation 2

The Committee recommends that the National Integrity Commissioner Bill 2012 not proceed prior to the establishment of a Parliamentary Joint Select Committee to investigate the feasibility and cost of establishing a National Integrity Commission ...¹⁴²

The Bill lapsed when the House of Representatives was dissolved on 5 August 2013.

Code of Conduct

The *Agreement* proposed that a code of conduct for senators and members be formulated outlining the following arrangements:

A cross-party working group and inquiry process will be established to draft a code of conduct for members of the House and the Senate. Once established, this code will be overseen by the Privileges committee.¹⁴³

139. C Milne, [Time is ripe for a National Integrity Commissioner](#), media release, 17 May 2012, accessed 17 September 2013.

140. A Bandt, 'First reading: National Integrity Commissioner Bill 2012', House of Representatives, [Debates](#), 28 May 2012, p. 5637, accessed 17 September 2013.

141. House of Representatives Selection Committee, [Report No. 55](#), House of Representatives, Canberra, May 2012, p. 3, accessed 17 September 2013.

142. House of Representatives Standing Committee on Social Policy and Legal Affairs, [Inquiry into the National Integrity Commissioner Bill 2012](#), House of Representatives, Canberra, September 2012, p. xi, accessed 17 September 2013. See also Senate Standing Committee for the Scrutiny of Bills, [Alert Digest 8/2010](#), Senate, Canberra, October 2010, pp 46-50, accessed 17 September 2013.

143. *Agreement for a Better Parliament*, op. cit., cl. 19, p. 9.

The House of Representatives Standing Committee on Privileges and Members' Interests (HRSCPMI) and the Senate Standing Committee of Senators' Interests (SSCSI) considered the development of a draft code of conduct. Both committees were due to report in November 2011.

The House of Representatives Standing Committee of Privileges and Members' Interests tabled a discussion paper on 23 November 2011. The Committee made observations rather than recommendations and included a draft code of conduct for discussion.¹⁴⁴

On 28 May 2012 the Member for Lyne, Rob Oakeshott (IND), moved that the House of Representatives:

- (1) endorses the draft code of conduct at Appendix 5 of the report ... Draft Code of Conduct for Members of Parliament; and
- (2) requests the Leader of the House to bring forward urgently for the House's consideration the proposed changes to standing orders and resolutions of the House necessary to give effect to the Code ...¹⁴⁵

The Government indicated that it would support the motion.¹⁴⁶ The Coalition stated that it would not support the motion if the vote took place before the 'Senate interests committee reports on a similar code for the upper house'.¹⁴⁷ The motion was passed, 60–58, on 29 November 2012.¹⁴⁸

Members had not considered changes to standing orders by the time the House of Representatives was dissolved on 5 August 2013.

The Senate Standing Committee of Senators' Interests tabled its report on a code of conduct for Senators on 29 September 2012.¹⁴⁹ The Committee noted the 'paucity of evidence that the codes of conduct applying in other Australian jurisdictions have done anything to improve community perceptions' and did not endorse the adoption of the code proposed in the HRSCPMI discussion paper.¹⁵⁰

Register of Lobbyists

The *Agreement* proposed that:

Further enhancements to the Register of Lobbyists be examined, including to the online publication of the Register and to place the register under the supervision of the Parliamentary Integrity Commissioner.¹⁵¹

On 1 August 2011 the Special Minister of State, the Hon Gary Gray, outlined changes to the Register to take effect on the same day. The Minister stated that, after considering matters raised in a recent review of the Lobbying Code of Conduct and Register of Lobbyists, the Government was satisfied that the Code and Register were operating 'effectively, with appropriate coverage and reach'.¹⁵²

The main change 'to enhance openness and transparency' is the requirement that lobbyists 'disclose on the Register the details of any former government representatives employed by their firm as lobbyists'.¹⁵³

On 24 November 2011 the Senate referred an inquiry into the operation of the Lobbying Code of Conduct and the Lobbyist Register to the Senate Finance and Public Administration References Committee. The Committee's report, tabled in March 2012, did not recommend any changes to the Code or the Register.¹⁵⁴

144. House of Representatives Standing Committee of Privileges and Members' Interests, [Draft code of conduct for members of parliament](#), House of Representatives, 2011, Appendix 5, accessed 3 September 2013.

145. R Oakeshott, 'Private members' business', House of Representatives, [Debates](#), 28 May 2012, p. 5790, accessed 3 September 2013.

146. G Daley, 'ALP backs pollie code', *Australian Financial Review*, 22 August 2012, accessed 3 September 2013.

147. L Taylor, 'Coalition set to oppose Oakeshott code for parliamentary behaviour', *Sydney Morning Herald*, 10 September 2012, accessed 3 September 2013.

148. Australia, House of Representatives, 'Code of conduct for members of parliament', [Votes and proceedings](#), HVP 146, 29 November 2012, accessed 3 September 2013.

149. Senate Standing Committee of Senators' Interests, [Code of conduct inquiry](#), Senate, 2012, accessed 3 September 2013.

150. *Ibid.*, paragraphs 1.22 and 1.69.

151. *Agreement for a Better Parliament*, op. cit., cl. 20, p. 9.

152. G Gray (Special Minister of State), [Changes to lobbyists register](#), media release, 1 August 2011, accessed 3 September 2013.

153. *Ibid.*

154. Senate Finance and Public Administration References Committee, [The Operation of the lobbying code of conduct and the lobbyist register](#), 1 March 2012, accessed 3 September 2013.

Commentary on the hung Parliament

Compared to the large volume of commentary on the performance and fortunes of the Government, the Opposition, political parties and the cross-bench, there has been little external commentary assessing the hung parliament itself. The procedural and legislative activity of the Parliament has received some attention—changes to committees and committee activity, the volume of legislation passed, and increased time for ‘cross-bench business’ in the House of Representatives have all been remarked upon.

It is notable that 330 reports were presented by House and joint scrutiny committees during the 43rd Parliament—nearly 70 per cent more than in the 42nd Parliament.¹⁵⁵ Question Time under the new paradigm arrangements has also been the subject of discussion.¹⁵⁶

Perspectives among parliamentarians regarding the hung parliament varied. Opposition MP Christopher Pyne commented that ‘[a] hung parliament is a rarity in Australia, which most people would agree is a good thing for the country’.¹⁵⁷ In mid-2011, the Independent Rob Oakeshott opined that the parliament was ‘working’ but the politics was ‘ugly’, and fellow independent Tony Windsor expressed the view that the Parliament was ‘working a lot better’.¹⁵⁸

Some former parliamentarians provided commentary on the hung parliament and associated matters. Former Prime Minister John Howard expressed the view that ‘the experiment of a new paradigm’ and the hung parliament ‘hasn’t worked’ and that he expected a return to majority government at the next election.¹⁵⁹ Former Senator Natasha Stott-Despoja noted that the initial sittings in 2010 ‘saw little disruption to the ordinary workings of government’, but said that ‘the jury [was] still out’ on whether the new paradigm arrangements ‘[would] result in improved governance; greater democracy; or more effective policy and decision-making’.¹⁶⁰ Another former Senator, Amanda Vanstone, characterised the hung parliament situation as one where ‘[a] few people end up being able to hold a major party to ransom’, with the result being a ‘mess’.¹⁶¹

As the 43rd Parliament drew to a close there was some commentary from both journalists and MPs assessing its legacy. The general observation was made by one writer that ‘Australians are unused to minority governments. They are uncomfortable with the obvious cattle-trading axiomatic in making minority governments work’.¹⁶² Another reminded readers of *Online Opinion* that:

For all of the first 15 years after Federation in 1901, Australians elected Minority Governments. Nevertheless, the Parliament passed much of the essential legislation that created the fabric of Australian society today. The Age Pension is a prime example of this. We should also note that for a crucial period during the Second World War, we had a minority government, but we still managed to win the war.¹⁶³

Notwithstanding a popular sense that the hung parliament had been problematic, there remained those who considered that such a view ignored the evidence of its effectiveness. The independent MPs, for example, while critical of some actions of the Gillard Government, generally regarded the Parliament as a success, seeing it as ‘more triumph than tragedy’:

All the Independents agree one of the Prime Minister's unsung achievements is her management of the Parliament they say has delivered.¹⁶⁴

Rob Oakeshott:

155. Wright, ‘Committee work in a hung Parliament: A House of Representatives perspective’, op.cit.

156. See for example Editorial, ‘[Pollies need time-out on naughty step](#)’, *Courier Mail*, 20 August 2011, p. 78, accessed 8 October 2013; D Atkins, ‘[Leers and jeers pass for debate](#)’, *Courier Mail*, 17 August 2011, p. 16, accessed 8 October 2013; P Carlyon, ‘[No theatre, just a farce](#)’, *Herald Sun*, 25 June 2011, accessed 8 October 2013; G Kitney, ‘[A question of timing](#)’, *Australian Financial Review*, 2 March 2011, p. 61, accessed 8 October 2013.

157. C Pyne, ‘[Our floundering hung parliament is not in the nation's best interests](#)’, *The Australian*, 9 July 2011, accessed 8 October 2013.

158. ‘[Parliament works but the politics are “ugly”, says Independent MP Rob Oakeshott](#)’, *The Australian*, 22 August 2011, accessed 8 September 2011; Kitney, ‘A question of timing’, op. cit.

159. C Uhlmann, ‘[Interview with John Howard](#)’, *7:30 Report*, Australian Broadcasting Corporation, 30 August 2011, accessed 8 October 2013.

160. Stott-Despoja, ‘Public Policy in the New Paradigm’, op. cit., pp. 29, 30.

161. A Vanstone, ‘[Independents helped put us in this mess](#)’, *Age*, 22 August 2011, p. 13, accessed 8 October 2013.

162. J Willcox, ‘[“Action man” Abbott, Labor's division and the impact of minority government: Australian election recap](#)’, 5 September 2013, Weber Shandwick Public Relations, accessed 25 September 2013.

163. E Compton, ‘[Minority governments provide the best form of democracy](#)’, *Online Opinion*, 2 May 2013, accessed 25 September 2013.

164. C Uhlmann, *7:30*, [transcript](#), Australian Broadcasting Corporation (ABC), 25 June 2013, accessed 20 November 2013.

We've made it. We have gone our full term, supply has been delivered with the support of all major parties, so three Budgets have passed. Confidence has been delivered. There has been no, no confidence motion, let alone a successful one in a Prime Minister or Government and 87 per cent of all legislation passed has been bipartisan.¹⁶⁵

Tony Windsor:

Well I think it's been quite a good parliament actually. I think for the number of parliament - I think I've been in seven parliaments. This is the second hung parliament. There's a lot of similarities with this one and the first one. But I don't think I've been in a parliament where the committee processes have worked quite as well as this one. And that's really because the executive reflects the hung nature of the Parliament and hasn't been able to control the committee processes as much as it does in normal majority parliaments.¹⁶⁶

Andrew Wilkie:

Well I think the Parliament itself has proven to be remarkably stable, productive and reformist.¹⁶⁷

And there have been some towering achievements. John Howard couldn't put a price on carbon, Kevin Rudd couldn't put a price on carbon, Julia Gillard did.¹⁶⁸

Long-time writer on Australian politics and Professorial Fellow at the University of Canberra, Michelle Grattan, delivered a detailed, historically contextualised account of the hung parliament in her [Earle Page lecture](#) at the University of New England in July 2013:

The 43rd parliament has been one of the most dramatic roller coaster rides of modern federal politics.

It has got a bad name from its many critics, seen as raucous, often on the brink of falling apart, and full of the worst sort of wheeling and dealing. It has, on this view, contributed to public cynicism about politics. ... Its defenders ... point to its legislative achievements, its survival, and the opportunity it has provided for the House of Representatives to act more like a true "parliament" where outcomes are more fluid, rather than the usual blunt-edge majority rule.

...

The hung parliament has brought heightened tension to federal politics over the past three years. It is important to note, however, that it has not raised questions about the fundamentals of the system in the way the governor-general's sacking of a government did in 1975.

...

The Gillard government was no more "illegitimate" than, say, John Howard's government after the 1998 election when he won a majority of seats but not a majority of votes. Sometimes the democratic system throws up quirks and we accept them as part of it.

...

It is often argued that the net negative of the hung parliament has been that it has frayed the national political psyche. This shouldn't be exaggerated. And it is not just the parliament's fault that people are feeling particularly out of sorts with their politicians. The quality and quantity of media has a lot to answer for as well.

...

My own view is that if we look at this parliament ... the key problem has been less the hung parliament as such than the issue of leadership.¹⁶⁹

165. Ibid.

166. E Alberici, 'Labor's last days?', *Lateline*, [transcript](#), Australian Broadcasting Commission (ABC), 17 June 2013, accessed 20 November 2013.

167. Ibid.

168. Ibid.

Writing in *The Telegraph*, Paul Osborne opined that the hung parliament ‘was in many ways a success. But no-one wants a repeat’.¹⁷⁰

Gillard has secured a legacy. Carbon pricing, DisabilityCare Australia, charting a path to greater superannuation savings, paid parental leave, plain tobacco packaging, an apology to forced adoptees, the parliamentary budget office and mining profits tax were all significant achievements.

In practical terms, it had been a better functioning parliament—shorter answers in question time, more time for private members' business and better community consultation through an expanded committee process.

The parties, public and media had unprecedented access to government information. Despite their political colours, the Labor and Coalition whips and house business managers worked together closely and effectively.¹⁷¹

Osborne said that Oakeshott, Windsor and Bandt together ‘can claim credit for helping to deliver a functioning 43rd parliament, against all odds’.¹⁷²

But there were many who insisted that the 43rd Parliament had been a disaster, including the then Leader of the Opposition Tony Abbott: ‘Minority government is an experiment that has comprehensively failed’.¹⁷³ And during the 2013 election campaign Kevin Rudd had declared that the return of a (Labor) majority government would be ‘the best thing for the nation’.¹⁷⁴

169. M Grattan, [Looking back on the hung parliament](#), *The Conversation*, 17 July 2013, accessed 25 September 2013.

170. P Osborne, [‘How the 43rd parliament performed’](#), *The Telegraph*, 4 August 2013, accessed 25 September 2013.

171. Ibid.

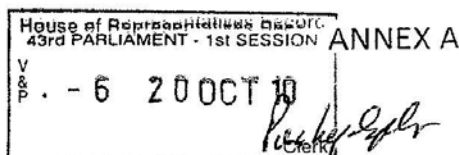
172. Ibid.

173. T Abbott, [‘Statement on preferences’](#), media release, 14 August 2013, accessed 25 September 2013.

174. K Rudd, [‘Doorstop interview: St. Mary’s Catholic College, Woree, QLD’](#), transcript, 14 August 2013, accessed 25 September 2013.

Appendix 1: Agreement for a Better Parliament: Parliamentary reform

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AGREEMENT FOR A BETTER PARLIAMENT

20-10-10

PARLIAMENTARY REFORM

B. ...

Preamble

There are 150 local MP's that have recently been elected by the communities of Australia to the House of Representatives. This document is a combined effort to increase the authority and opportunities for participation for all MP's, regardless of their political party or their status of office.

The principles behind this document are twofold; to confirm 150 local MP's (and by extension their communities) as the foundation blocks of our Australian system of democracy, and increasing the authority of the Parliament in its relationship with the Executive.

For these improvements to work, it will take a commitment by all MP's to respect the cultural change that these changes bring. While the community demands a 'fiesty' and 'testing' parliamentary floor, there will be a need for recognition by all to allow more MP's to be involved in various roles and debates, to allow more community issues to be tested through private members voting, and to allow a Speaker (in particular) to rule with a firm hand as debate tests the boundaries of the Standing Orders on the floor.

The Executive will also need to show a commitment to the cultural change that this moment brings, and will need to be more flexible, more consultative, and more engaged with all MP's if these new arrangements are to work.

This document has been produced through engagement with many people, including former Speakers and Clerks, MP's, party "elders", and members of the community. This broad engagement has been done in an endeavour to achieve improvements that are sustainable beyond the current three year-term, and improvements that work for all. All are thanked for their considered involvement.

ANNEX A

1. ENHANCING THE PARTICIPATION OF ALL MEMBERS IN THE MANAGEMENT OF THE HOUSE OF REPRESENTATIVES

An expanded Selection Committee will be established, including aligned and non-aligned Members.

The Committee will be Chaired by the Speaker.

All Members will receive the same rights for the purposes of facilitating their full participation in all processes of the House. For the purposes of Standing Order 41A, Question Time and participation in all other debates, all Members interests would be guaranteed by the Selection Committee.

2. INDEPENDENT SPEAKER

2.1 Independence

The role of the Speaker will be independent of Government.

If the Speaker is drawn from a political party then the Deputy Speaker will be drawn from an alternate political party and both the Speaker and Deputy Speaker will:

- abstain from attending their respective party rooms; and
- when in the Chair, be paired for all divisions.

If the Speaker is non-aligned, then the same pairing arrangements will apply.

The Speaker and Deputy Speaker can participate in Private Members' Business but cannot vote.

Members of the Speakers Panel will be temporarily paired when occupying the chair during votes.

2.2 Power of the Speaker

The Speaker will rigorously enforce the Standing Orders of his or her own motion.

3. ACKNOWLEDGEMENT OF COUNTRY

At the beginning of each sitting day, prior to prayers, the Speaker will make an acknowledgement of country.

4. QUESTION TIME

4.1 Time Limits for Questions and Answers

Questions during Question Time be limited to forty five seconds and answers to four minutes.

It is noted that a Member may ask leave of the House for an extension of time.

4.2 Supplementary Question

The Leader of the Opposition or their delegate has the option of asking one supplementary question during each Question Time.

4.3 Duration of Question

Question Time will conclude no later than 3.30pm, enabling 20 questions each day in the normal course of events.

4.4 Questions

The Speaker shall give due regard to Standing Order 100 dealing with the material that questions may contain but not in such a way that would inhibit the ability of the Opposition to hold the Government to account.

4.5 "Relevance" Standing Order

The Standing Orders be amended so that answers must be "directly relevant to the question", with the Speaker to lead on enforcement of the relevance test.

The Government and Opposition will support the Speaker in taking a strong stance on this issue.

4.6 Proportionate Share

A proportionate share of the Questions be allocated to non-aligned members, including the order in which those questions are asked during Question Time.

4.7 Points of Order

The Standing Orders be principally raised and enforced by the Speaker.

The point of order on relevance can only be once per question.

4.8 Notes

It is the preference in Question-Time for both questioners and Ministers to use best endeavours not to use notes. It is understood there are times when notes should be used to assist in providing the House with the best possible information in the most accurate and timely way possible. However, at all other times, the preference is no notes.

This will be reviewed at the end of the first session to see if further restrictions on use of notes in Question Time can and should be applied.

ANNEX A

5. MATTERS OF PUBLIC IMPORTANCE

5.1 Length

The maximum length of discussion on Matters of Public Importance be extended to 1 hour and thirty minutes. That the proposer and the next speaker be allowed to speak for up to 15 minutes and that other speakers be allowed to speak for up to 10 minutes.

5.2 Greater Prominence

The Matter of Public Importance debate will immediately follow Question Time.

5.3 Proportionate Share

A proportionate share of Matters of Public Importance be allocated to all non-Government Members.

6. PRIVATE MEMBERS BUSINESS AND PRIVATE MEMBERS BILLS

6.1 Voting on Private Members' Bills

The Speaker, the Leader of the House, and the Selection committee, will ensure time is allocated for votes on Private Members' Bills during Government Business time in the Main Chamber.

6.2 Priority given for Private Members Business on Mondays

The Standing Orders will be amended to provide for:

- a period of committee and delegation business and private Members' business to be given priority in the Chamber on Mondays from 12 noon – 1.45pm, beginning with Petitions Committee report and statement(s) for 10 minutes;
- quorums and divisions called during the period of committee and delegation business and private Members' business being deferred until 5pm on Monday;
- the Main Committee to regularly meet on Mondays from 10.30 a.m. to 1.30 p.m, commencing with a 30 minute period of three minute constituency statements as provided by standing order 193, followed by committee and delegation reports and private Members' business being given priority;
- 90 second statements to take place from 1.45 p.m. each day, prior to Question Time, in the Main Chamber;
- a period of committee and delegation business and private Members' business to be given priority in the Chamber from 7:30pm to 9:30pm; and
- the adjournment to be proposed at 9.30 p.m. on Mondays, and the House adjourning at 10 p.m.

7. ADJOURNMENT

The Adjournment Debate shall be one hour on Monday and Tuesdays, and 30 minutes on Wednesdays and Thursdays.

ANNEX A

8. 90 SECOND STATEMENTS

15 minutes will be allocated prior to Question time for Members to make 90 Second Statements on constituency issues.

9. MINISTERIAL STATEMENTS

9.1 Time Limits

Ministerial statements and response be limited to 10 minutes, except in circumstances agreed to by the Speaker or for Prime Ministerial statements.

9.2 Proportionate Opportunities to Respond to Ministerial Statements

The Speaker will ensure that opportunities to respond are provided to non-Government Members.

10. THE COMMITTEE SYSTEM

10.1 Numbers of Committees

The number of general purpose standing committees be reduced to nine, comprising standing committees on:

- Aboriginal and Torres Strait Islander Affairs;
- Economics;
- Education and Employment;
- Climate Change, Environment and the Arts;
- Health and Ageing;
- Infrastructure and communications;
- Social Policy and Legal Affairs;
- Agriculture, Resources, Fisheries and Forestry; and
- Regional Australia.

10.2 Committee Membership

Membership of committees will ideally be seven. Committee membership will fully reflect membership of the House, including the crossbench.

The maximum number of supplementary members for each general purpose standing committee inquiry be increased to four; with supplementary members having full participatory rights, other than voting rights.

ANNEX A

10.3 Powers of Committees

The powers of Committees be referred immediately to the Committee of Chairs as soon as established to ensure the most authority possible for Committees within allocated resources.

10.4 Chair of the Joint Parliamentary Committee on Public Accounts and Audit

The Chairman of the Joint Parliamentary Committee on Public Accounts and Audit be drawn from a member of a non-Government party or a non-aligned Member.

10.5 Pre-Legislative Scrutiny of Bills

All Bills to be introduced into the House be referred immediately to the Selection Committee.

All Bills regarded as controversial or requiring further consultation or debate be immediately referred to the relevant Standing or Joint Committee to allow a period of discussion and public consultation on introduction. One member objecting in the Selection Committee will be sufficient to declare a Bill controversial.

Non-controversial Bills will be authorised for immediate introduction into the House.

This mechanism will be reviewed to ensure it does not cause unnecessary delays to the House legislative processes, and is indeed a mechanism to speed up the legislative agenda.

10.6 Responses to Committee Reports

Within six months of a House or Joint committee report being presented in the House, a government response will be tabled in the House. If no such response has been received within six months of such a report being presented in the House, a statement signed by the relevant Minister (or Minister representing the Minister) must be tabled stating the reasons why the response could not be prepared in time.

The Minister (or Minister representing the Minister) must also make themselves available to appear before the relevant Committee at the next reasonably available opportunity to answer questions on that statement.

Following this, Issues of dispute between a Parliamentary Committee and an Executive will be referred to the Auditor-General for further follow-up, clarification, and attempted resolution.

A timely response to Committee Reports will be included as a Key Performance Indicator in the employment arrangements of Agency Heads.

The Clerks will ensure a report on the status of responses to Committee Reports is included in the Notice Paper on a monthly basis online.

ANNEX A

10.7 Statements during Private Members Business by Committee Chairs

Standing orders will be amended to provide for committee Chairs to make short statements during private Members' business time, informing the House of new inquiries being undertaken by the committee.

11. CONSIDERATION OF BILLS

11.1 Speaking Times

The time limit allocated for all Members speaking on Bills will be reduced from 20 to 15 minutes.

The Selection Committee is able to determine, where a Bill is not controversial, that time limits for speaking on that Bill be reduced to 5 or 10 minutes.

Where a large number of Members wish to speak on a particular Bill, the Selection Committee can, by agreement, place limits on speaking times to facilitate as many Members as possible speaking on the Bill.

The Speaker, with the Selection Committee, is to consider and potentially trial 5 minutes of questions (30 second question with two minute answers) at the end of all MP's speeches, so as to encourage "smarter debate".

11.2 Consideration in Detail

The Leader of the House in consultation with the Selection Committee will ensure that;

- during Government Business time in the Main Chamber additional time will be allocated for the summing up of Appropriations and related Budget Bills by the Minister for Finance; and
- additional time is allocated for the Consideration in Detail process in the Main Committee.

12. RECOMMITAL OF VOTES

The Standing Orders be amended so that there may be a recommital of a vote on the same sitting day when a Member is inadvertently absent following a successful suspension of standing orders after debate.

13. APPROPRIATION BILLS

The Senate resolution on appropriation bills which contain matters which should have been the subject of separate legislation is noted. To prevent this occurring, the parties and non-aligned Members agree to developing a mechanism to resolve this issue prior to the next appropriation bills being introduced.

ANNEX A

14. ASSENT TO LEGISLATION

A mechanism be established to ensure a commencement date be included in all legislation.

15. SITTING DAYS

That more sitting weeks each year be considered depending on Government and Private Members Business.

16. RESOURCES OF THE PARLIAMENT

16.1 Parliamentary Budget Office

A Parliamentary Budget Office be established, based in the Parliamentary Library, to provide independent costings, fiscal analysis and research to all members of parliament, especially non-government members.

The structure, resourcing and protocols for such an Office be the subject of a decision by a special committee of the Parliament which is truly representative of the Parliament.

16.2 External review of staffing levels within the Department of the House of Representatives committee Office

The Speaker will arrange for an external review of staffing levels within the Department of the House of Representatives Committee Office and the Parliamentary Library.

This will incorporate a work analysis to determine the nature and level of secretariat support necessary for the ongoing inquiry work of committees, to ensure that the House committee system is supported by an adequate number of appropriately qualified staff.

16.3 Establishment of a representative House Committee on Appropriations and Staffing

A House Committee on Appropriations and Staffing be established, chaired by the Speaker, to make recommendations to the House on:

- estimates of the funding required for the operation of the Department of the House of Representatives; such estimates, once agreed by the House, are to be conveyed by the Speaker to the Minister for Finance and Deregulation for consideration and approval;
- proposals for changes to the administrative structure of, or service provision by, the Department of the House of Representatives;
- administration and funding of security measures affecting the House;
- any other matters of finance or services referred to it by the Speaker or the House; and
- the Liaison Committee of Chairs and Deputy Chairs have a more active role in monitoring the resources available to committees, with the Chair to report to the House Committee on Appropriations and Staffing on committee activities and resource levels.

ANNEX A

16.4 Allocation of teleconferencing and videoconferencing facilities

The Leader of the House, with the Speaker will investigate the adequacy of teleconferencing and videoconferencing facilities available to committees; and consideration of any upgrades or additional facilities required to meet current and anticipated future demand from committees.

17. PAIRING VOTES

17.1 Pairing arrangements for all Members

Additional mechanisms will be considered that responsibly deal with essential absences by Members from the House, including 'pairs'.

The Government and Opposition will guarantee a 'pair' to non-aligned Members providing there are reasonable grounds.

These arrangements may be similar to those that currently occur between the Whips in the Senate.

18. PARLIAMENTARY INTEGRITY COMMISSIONER

This commissioner would be supervised by the privileges committee from both House and Senate to provide advice, administration and reporting on parliamentary entitlements, investigate and make recommendations to the Privileges Committees on individual investigations, provide advice to parliamentarians on ethical issues and uphold the Parliamentary Code of Conduct and control and maintain the Government's Lobbyists register.

19. ESTABLISH A FORMAL CODE OF CONDUCT FOR MEMBERS AND SENATORS

A cross-party working group and inquiry process will be established to draft a code of conduct for members of the House and the Senate. Once established, this code will be overseen by the Privileges committee.

20. REGISTER OF LOBBYISTS

Further enhancements to the Register of Lobbyists be examined, including to the online publication of the Register and to place the register under the supervision of the Parliamentary Integrity Commissioner.

21. REVIEW MECHANISM

A mechanism will be established to review all standing order and other procedural changes in this agreement and will report following the first session of this Parliament.

ANNEX A

22. OTHER “BETTER GOVERNMENT” IMPROVEMENTS;

It is expected, through the life of this Parliament, and with Private Members Bills now having the ability to be voted on, that there will be further steps taken to improve Government in the following way;

- Open and Accountable Government improvements
- Further steps on improving democratic operation of the Parliament
- Electoral Funding Improvements
- Truth in Political Advertising improvements

Appendix 2: Overview of procedural changes

The following table contained in the first report of the Procedure Committee provided a summary of the reforms implemented in the standing orders as compared with the previous situation.¹⁷⁵ Further refinements were made to standing orders during the course of the 43rd Parliament including reducing the time limits to 30 seconds for questions and 3 minutes for answers, and allowing Question Time to conclude by 3.10 pm.¹⁷⁶

Item	42nd Parliament	43rd Parliament	Comments/ Relevant standing orders
Acknowledgement of country	No acknowledgement of country	Speaker to make acknowledgement of country every morning before prayers	Introduced for the first time in 43rd Parliament (SO 38)
Question Time	<ul style="list-style-type: none"> No time limits for questions or answers Answers must be relevant to the question 	<ul style="list-style-type: none"> Time limits of 45 seconds for questions and 4 minutes for answers Answers must be 'directly relevant' to the question Only one point of order on relevance allowed for each answer 	(SOs 86, 100, 104)
Matter of public importance (MPI)	<ul style="list-style-type: none"> After Question Time, documents and ministerial statements on Tuesdays, Wednesdays and Thursdays Duration, 1 hour Speaking times – 15 minutes for proposer and Member next speaking, 10 minutes for next two Members speaking and 5 minutes for any other Member 	<ul style="list-style-type: none"> After Question Time and documents on Tuesdays, Wednesdays and Thursdays Duration, 1 hour 30 minutes Speaking times – 15 minutes for proposer and next Member speaking and 10 minutes for any other Member 	Duration of MPI extended to 1 hour 30 minutes. MPI to follow Question Time (and documents). (SOs 1, 34, 46)
Private Members' business	<ul style="list-style-type: none"> Total time allocated for committee and delegation business and private Members' business on Mondays in Chamber, 1 hr, and in Main Committee, 1 hr 35 minutes Government and Opposition Whips schedule private Members' business on Mondays 5 minutes speaking time 	<ul style="list-style-type: none"> Total time allocated for committee and delegation business and private Members' business on Mondays in Chamber, 3 hrs 30 minutes, and in Main Committee, 5 hrs Selection Committee schedules private Members' business on Mondays 10 minutes speaking time on presentation of private Members' 	<ul style="list-style-type: none"> Additional time for private Members' business in Chamber and Main Committee Role for Selection Committee in scheduling private Members' business and in recommending items to be voted on Increase in

175. HRSCP, *Interim Report: Monitoring and review of procedural changes implemented in the 43rd Parliament*, op.cit., Appendix B.

176. Australia, House of Representatives, *Votes and Proceedings*, HVP. 85, 8 February 2012, pp. 1177–9; standing orders 1, 34, 100(f) and 104(c), 20 October 2010; cited in HRSCP, *Interim Report: Monitoring and review of procedural changes implemented in the 43rd Parliament: 4th Report*, op.cit., p. 32.

Item	42nd Parliament	43rd Parliament	Comments/ Relevant standing orders
	on presentation of private Members' bills	bills <ul style="list-style-type: none"> Selection Committee recommends items of private Members' business to be voted on 	speaking time for presentation of private Members' bills from 5 to 10 minutes (SOs 1, 34, 41, 141, 192, 222)
Adjournment debate	<i>Chamber</i> Monday: 9.30pm–10pm Tuesday: 8.30pm–9pm Wednesday: 7.30pm–8pm Thursday: 4.30pm–5pm <i>Main Committee</i> Thursday: 12.30pm–1pm	<i>Chamber</i> Monday: 9.30pm–10.30pm Tuesday: 9.30pm–10.30pm Wednesday: 7pm–8pm Thursday: 4.30pm–5pm <i>Main Committee:</i> Thursday: 12.30pm–1pm	Length of adjournment debate in Chamber increased from 30 minutes to 1 hour on Mondays, Tuesdays and Wednesdays. (SOs 1, 29, 31, 34, 192)
90 second statements	In Main Committee on Mondays (6.40pm–6.55pm).	In Chamber on Mondays, Wednesdays and Thursdays, immediately prior to Question Time (1.45pm–2pm).	(SOs 1, 43)
House committees (general purpose standing)	<ul style="list-style-type: none"> 12 committees Membership of committees is 10 2 supplementary members allowed on an inquiry 	<ul style="list-style-type: none"> 9 committees Membership of committees is 7 4 supplementary members allowed on an inquiry Selection Committee to refer controversial bills/bills requiring additional consultation to relevant committee Provision for Chairs and Deputy Chairs to make statements in House regarding inquiries during time for committee business on Mondays 	<ul style="list-style-type: none"> Number of committees and membership of committees reduced Number of supplementary members allowed increased Referral of bills to committees by Selection Committee and provision for statements in the House regarding inquiries are new reforms (SOs 39(a), 143, 215, 222(iii))
Government responses to House/Joint committee reports	No formal time limit for government responses	<ul style="list-style-type: none"> Six month time limit for government responses When time limit not met, statement of reasons for delay to be presented in House by relevant 	Resolution of the House (adopted 29 September 2010)

Item	42nd Parliament	43rd Parliament	Comments/ Relevant standing orders
		Minister and possibility of Minister being required to appear before relevant committee	
Time limits for second reading speeches	20 min limit for second reading speeches (Excludes speeches by Mover, Leader of Opposition or Member representing for government bills; and Mover, Prime Minister or Member representing and Leader of Opposition or Member representing for private Members' bills)	15 min limit for second reading speeches, or lesser time determined by Selection Committee. (Excludes speeches by Mover, Leader of Opposition or Member representing for government bills; and Mover, Prime Minister or Member representing and Leader of Opposition or Member representing for private Members' bills)	Time limit for most second reading speeches reduced from 20 to 15 minutes. Selection Committee may reduce time-limit further. (SOs 1, 222(a)(iv))
Questions during second reading debate	No provision for questions during second reading debate	<ul style="list-style-type: none"> • For 5 minutes at conclusion of second reading speech, Member may be questioned in relation to their speech • Time limit of 30 secs for questions and 2 minutes for replies • Members not obliged to take questions • Does not apply to Minister's second reading speech, speech of main Opposition speaker and Minister's speech closing debate 	(Sessional order 142A)
Recommittal of votes	No provision for recommittal of vote where Member accidentally absent	If a division has miscarried by a Member being accidentally absent or similar incident, a Member may move a suspension of standing orders to enable the House to divide again. If agreed to, the question is put again.	A suspension motion moved without notice can be carried only by an absolute majority of Members (SOs 47, 132(b))
House Selection Committee	No House Selection Committee	Established to: <ul style="list-style-type: none"> • Arrange timetable and order of committee and delegation business and private Members' business on Mondays • Recommend items of private Members' business to be voted on • Select bills for referral to relevant committee • Subject to SO 1, set speaking times for 	Selection Committee reintroduced with wider role than Selection Committees established in 41st and previous parliaments (SO 222)

Item	42nd Parliament	43rd Parliament	Comments/ Relevant standing orders
House Appropriations and Administration Committee	No House Appropriations and Administration Committee	Established to consider: <ul style="list-style-type: none"> estimates of funding for the Department of the House of Representatives (DHR) proposals for administrative changes and variation to service provided by the DHR administration and funding of security measures affecting the House proposals for works in the parliamentary precincts requiring parliamentary approval Committee will make an annual report to the House 	Established for the first time in 43rd Parliament (SO 222A)
Hours of sitting	<i>Chamber</i> Monday: 12 noon–10pm Tuesday: 2pm–9pm Wednesday: 9am–8pm Thursday: 9am–5pm <i>Main Committee</i> Monday: 4pm–6.40pm (if required), and 6.40pm–9.30pm Tuesday: 4pm–8.30pm (if required) Wednesday: 9.30am–1pm, and 4pm–7.30pm (if required) Thursday: 9.30am–1pm	<i>Chamber</i> Monday: 10am–10.30pm Tuesday: 2pm–10.30pm Wednesday: 9am–8pm Thursday: 9am–5pm <i>Main Committee</i> Monday: 10.30am–1.30pm, and 4pm–10pm Tuesday: 4pm–10pm (if required) Wednesday: 9.30am–1pm, and 4pm–7.30pm (if required) Thursday: 9.30am–1pm	Sitting hours extended on Mondays and Tuesdays in Chamber and Main Committee (SOs 29, 34, 192)

Appendix 3: Private Members' bills introduced in the House of Representatives

Short Title	Sponsor	Party	Status
1. Abolition of Age Limit on Payment of the Superannuation Guarantee Charge Bill 2011	B Bishop	LP	
2. Air Services (Aircraft Noise) Amendment Bill 2011	Moylan	LP	
3. Assisting the Victims of Overseas Terrorism Bill 2010	Abbott	LP	
4. Auditor-General Amendment Bill 2011	Oakeshott	IND	Act
5. Australian Citizenship Amendment (Defence Service Requirement) Bill 2012	Robert	LP	
6. Australian Ownership Bill 2013	Katter	IND	
7. Aviation Laws Amendment (Australian Ownership and Operation) Bill 2013	Katter	IND	
8. Banking Amendment (Banking Code of Conduct) Bill 2012	Wilkie	IND	
9. Banking Amendment (Delivering Essential Financial Services) Bill 2010	Bandt	AG	
10. Banking and Consumer Credit Protection Amendment (Mobility and Flexibility) Bill 2011	Bandt	AG	
11. Broadcasting Services Amendment (Advertising for Sports Betting) Bill 2013 [No. 2]	Bandt	AG	
12. Carbon Tax Plebiscite Bill 2011	Abbott	LP	
13. Charter of Budget Honesty Amendment Bill 2011	Hockey	LP	
14. Commission of Inquiry into the Building the Education Revolution Program Bill 2010	Pyne	LP	
15. Competition and Consumer (Price Signalling) Amendment Bill 2010	Billson	LP	
16. Competition and Consumer Amendment (Australian Food Labelling) Bill 2012	Bandt	AG	
17. Competition and Consumer Amendment (Horticultural Code of Conduct) Bill 2011	Katter	IND	
18. Competition and Consumer Amendment (Strengthening Rules About Misuse of Market Power) Bill 2013	Oakeshott	IND	
19. Constitutional Corporations (Farm Gate to Plate) Bill 2011	Katter	IND	
20. Customs Amendment (Prohibition of Certain Coal Exports) Bill 2013	Thomson	IND	
21. Dairy Industry (Drinking Milk) Bill 2013	Katter	IND	
22. Defence Amendment (Parliamentary Approval of Overseas Service) Bill 2010	Bandt	AG	
23. Do Not Knock Register Bill 2012	Georganas	ALP	
24. Environment Protection and Biodiversity Conservation (Abolition of Alpine Grazing) Bill 2011	Bandt	AG	
25. Environment Protection and Biodiversity Conservation (Public Health and Safety) Amendment Bill 2010	Hartsuyker	NAT	
26. Environment Protection and Biodiversity Conservation Amendment (Making Marine Parks Accountable) Bill 2012 [No. 2]	Christensen	NAT	

27. Environment Protection and Biodiversity Conservation Amendment (Moratorium on Aquifer Drilling Connected with Coal Seam Gas Extraction) Bill 2013	Katter	IND	
28. Environment Protection and Biodiversity Conservation Amendment (Mining, Petroleum and Water Resources) Bill 2011	Windsor	IND	
29. Evidence Amendment (Journalists' Privilege) Bill 2011	Wilkie	IND	Act
30. Fair Indexation of Military Superannuation Entitlements Bill 2012	Katter	IND	
31. Fair Work (Job Security and Fairer Bargaining) Amendment Bill 2012	Bandt	AG	
32. Fair Work (Registered Organisations) Amendment (Towards Transparency) Bill 2013	Abbott	LP	
33. Fair Work Amendment (Arbitration) Bill 2013	Katter	IND	
34. Fair Work Amendment (Better Work/Life Balance) Bill 2012	Bandt	AG	
35. Fair Work Amendment (Tackling Job Insecurity) Bill 2012	Bandt	AG	
36. Food Standards Amendment (Truth in Labelling—Palm Oil) Bill 2011*	Xenophon Brown	IND AG	
37. Foreign Acquisitions and Takeovers Amendment (Cubbie Station) Bill 2012	Katter	IND	
38. Health Insurance (Dental Services) Bill 2012	Dutton	LP	
39. Home Insulation Program (Commission of Inquiry) Bill 2011	Hunt	LP	
40. Imported Food Warning Labels Bill 2013	Katter	IND	
41. Infrastructure (Priority Funding) Amendment Bill 2013	Bandt	AG	
42. Live Animal Export (Slaughter) Prohibition Bill 2011	Bandt	AG	
43. Live Animal Export Restriction and Prohibition Bill 2011	Wilkie	IND	
44. Live Animal Export Restriction and Prohibition Bill 2013	Wilkie	IND	
45. Livestock Export (Animal Welfare Conditions) Bill 2011	Wilkie	IND	
46. Livestock Export (Animal Welfare Conditions) Bill 2012	Wilkie	IND	
47. Low Aromatic Fuel 2012*	Siewert	AG	Act
48. Marine Engineers Qualifications Bill 2013	Wilkie	IND	
49. Marriage Amendment Bill 2012	Jones	ALP	
50. Marriage Equality Amendment Bill 2012	Bandt Wilkie	AG IND	
51. Migration Amendment (Reinstatement of Temporary Protection Visas) Bill 2013	Morrison	LP	
52. Migration Legislation Amendment (The Bali Process) Bill 2012	Oakeshott	IND	
53. Minerals Resource Rent Tax Amendment (Protecting Revenue) Bill 2013	Bandt	AG	
54. National Broadband Network Financial Transparency Bill 2010	Turnbull	LP	
55. National Electricity Bill 2012	Oakeshott	IND	
56. National Integrity Commissioner Bill 2012	Bandt	AG	

57. Paid Parental Leave (Reduction of Compliance Burden for Employers) Amendment Bill 2010	Billson	LP		
58. Parliamentary Budget Office Bill 2011	Hockey	LP		
59. Parliamentary Service Amendment Bill 2013*^	Hogg	ALP	Act	
60. Patent Amendment (Human Genes and Biological Materials) Bill 2010	Dutton	LP		
	Oakeshott	IND		
	Forrest	NAT		
	Turnbull	LP		
61. Police Overseas Service (Territories of Papua and New Guinea) Medal Bill 2011	Morrison	LP		
62. Protecting Local Jobs (Regulating Enterprise Migration Agreements) Bill 2012	Bandt	AG		
63. Public Interest Disclosure (Whistleblower Protection) (Consequential Amendments) Bill 2012	Wilkie	IND		
64. Public Interest Disclosure (Whistleblower Protection) Bill 2012	Wilkie	IND		
65. Reducing Supermarket Dominance Bill 2013	Katter	IND		
66. Renewable Fuel Bill 2013	Katter	IND		
67. Reserve Bank Amendment (Australian Reconstruction and Development Board) Bill 2013	Katter	IND		
68. Safety, Rehabilitation and Compensation Amendment (Fair Protection for Firefighters) Bill 2011	Bandt, Broadbent, Vamvakinou	AG LP ALP	Act	
69. Solar Hot Water Rebate Bill 2012 [No. 2]	Hunt	LP		
70. Tax Laws Amendment (Disclosure of MRRT Information) Bill 2013	Hockey	LP		
71. Telecommunications Amendment (Enhancing Community Consultation) Bill 2011	Wilkie	IND		
72. Territories Self-Government Legislation Amendment (Disallowance and Amendment of Laws) Bill 2011*	Brown	AG	Act	
73. Treaties Ratification Bill 2012	Katter	IND		
74. Voice for Animals (Independent Office of Animal Welfare) Bill 2013	Bandt	AG		
75. Wild Rivers (Environmental Management) Bill 2010	Abbott	LP		
76. Wild Rivers (Environmental Management) Bill 2011	Abbott	LP		

*received from the Senate

^sponsored by the Speaker¹⁷⁷

Source: Compiled by the Politics and Public Administration Section from House Bills Lists for 43rd Parliament¹⁷⁸

177. A Burke (Speaker), 'Second reading speech: Parliamentary Service Amendment Bill 2013', House of Representatives, [Debates](#), 11 February 2013, accessed 24 September 2013.

178. House of Representatives, [Bills Lists](#), Parliament of Australia, accessed 24 September 2013.

Appendix 4: Changes in party support in the House of Representatives

Date of change	Party	No of MPs	Total no of MPs
August 2010 (after August 2010 election)	Australian Labor Party	72	72
	Liberal Party/Nationals	72	72
	<i>Bandt (Greens), Crook (WA Nat), Katter (Ind), Oakeshott (Ind), Wilkie (Ind), Windsor (Ind)</i>	6	6
			150
September 2010 (prior to first meeting of the House)	Australian Labor Party	72	
	+ <i>Bandt (Greens), Oakeshott (Ind), Wilkie (Ind), Windsor (Ind)</i>	4	76
	Liberal Party/Nationals	72	
	+ <i>Crook (WA Nat), Katter (Ind)</i>	2	74
			150
September 2010 (after election of Speaker Jenkins)	Australian Labor Party	72	75
	Less Speaker Jenkins (ALP)	-1	
	+ <i>Bandt (Greens), Oakeshott (Ind), Wilkie (Ind), Windsor (Ind)</i>	4	
	Liberal Party/Nationals	72	74
	+ <i>Crook (WA Nat), Katter (Ind)</i>	2	
	Speaker Jenkins	1	1
			150
November 2011 (after resignation of Speaker Jenkins and election of Speaker Slipper)	Australian Labor Party	72	76
	+ <i>Bandt (Greens), Oakeshott (Ind), Wilkie (Ind), Windsor (Ind)</i>	4	
	Liberal Party/Nationals	72	
	Less <i>Speaker Slipper (Ind)</i> ¹⁷⁹	-1	
	+ <i>Crook (WA Nat), Katter (Ind)</i>	2	73
	Speaker Slipper		1
			150
May 2012 (after Craig Thomson MP became an Independent)	Australian Labor Party	71	
	+ <i>Bandt (Greens), Oakeshott (Ind), Wilkie (Ind), Windsor (Ind), Thomson (Ind)</i> ¹⁸⁰	5	76
	Liberal Party/Nationals	71	
	+ <i>Crook (WA Nat)</i> ¹⁸¹ , <i>Katter (Ind)</i>	2	73
	Speaker Slipper (Ind)	1	1
			150
May 2012 (after Speaker Slipper stood aside and Deputy Speaker Burke took the chair)	Australian Labor Party	71	75
	Less Deputy Speaker Burke (ALP)	-1	
	+ <i>Bandt (Greens), Oakeshott (Ind), Wilkie (Ind), Windsor (Ind), Thomson (Ind)</i>	5	
	Liberal Party/Nationals	71	73
	+ <i>Crook (WA Nat), Katter (Ind)</i>	2	
	<i>Slipper (Ind—unaligned)</i> ¹⁸²	1	1

179. Peter Slipper resigned from the Liberal National Party to become an Independent at the time of his election as Speaker on 24 November 2011.

180. Craig Thomson MP resigned from the ALP to become an Independent on 29 April 2013.

181. On 2 May 2012 Tony Crook MP announced that from 8 May 2012 he would move from the cross benches to sit with his National Party colleagues, although he did not participate in joint Coalition meetings.

Date of change	Party	No of MPs	Total no of MPs
	Acting Speaker Burke	1	1
			150
October 2012 (after Speaker Burke elected)	Australian Labor Party	71	75
	Less Speaker Burke (ALP)	-1	
	+ Bandt (Greens), Oakeshott (Ind), Wilkie (Ind), Windsor (Ind), Thomson (Ind)	5	
	Liberal Party/Nationals	71	
	+ Crook (WA Nat), Katter (Ind)	2	73
	Slipper (Ind – unaligned)		1
	Speaker Burke		1
			150

Source: Compiled by the Politics and Public Administration Section

182. Peter Slipper MP sat on the cross-bench as an unaligned Independent after stepping aside as Speaker, from 8 May to 9 October 2013.

Appendix 5: Conscience votes in the House of Representatives and the Senate

Conscience votes in the House of Representatives

Bill	Sponsor	Parties granted a conscience vote	Result
Marriage Amendment Bill 2012 The Bill amended the Marriage Act 1961 to enable same-sex marriages to be recognised and placed no obligation on a minister of religion to solemnise a same-sex marriage.	Stephen Jones (ALP, NSW)	ALP	The Bill was defeated at the 2nd reading stage Ayes: 42 Noes: 98
Marriage Equality Amendment Bill 2012 The Bill amended the Marriage Act 1961 to remove discriminatory references based on sexual orientation and gender identity; and allow marriage regardless of sex, sexual orientation or gender identity.	Adam Bandt (AG, Vic.)	ALP	The Bill was read a second time but lapsed when the House of Representatives was dissolved on 5 August 2013

Source: Compiled by the Politics and Public Administration Section

Conscience votes in the Senate

Bill	Sponsor (s)	Parties granted a conscience vote	Result
Marriage Amendment Bill (No. 2) 2012 The Bill amended the Marriage Act 1961 to enable same-sex marriages to be recognised and placed no obligation on a minister of religion to solemnise a same-sex marriage.	Senator Carol Brown (ALP, Tas.), Senator Trish Crossin (ALP, NT), Senator Gavin Marshall (ALP, Vic.), Senator Louise Pratt (ALP, WA)	ALP	The Bill was defeated at the 2nd reading stage Ayes: 26 Noes: 41
Marriage Act Amendment (Recognition of Foreign Marriages for Same-Sex Couples) Bill 2013 The Bill amended the Marriage Act 1961 to enable same-sex marriages validly entered into in foreign countries are recognised under the laws of Australia.	Senator Sarah Hanson-Young (AG, SA)	ALP	The Bill was defeated at the 2nd reading stage Ayes: 28 Noes: 44 Senator Sue Boyce (Lib, Qld) crossed the floor to vote in favour of the Bill.

Source: Compiled by the Politics and Public Administration Section

Note: The referendum bill, Constitution Alteration (Local Government) 2013, has not been included in these tables. Parties sometimes 'manage' opposition to referendum bills that they have publicly supported so that a formal 'No' case can be authored. This artificial arrangement has not been classified as either a conscience vote or a floor crossing.

Appendix 6: Crossing the Floor

The table below shows the number of floor crossings by members and senators in the 43rd Parliament.¹⁸³

Member Name	Issue(s)	No. of floor crossings
Moylan, Judi (Lib, WA)	for amendments to Social Security Legislation Amendment (Fair Incentives to Work) Bill 2012 (28 June 2012) against motion that the Social Security Legislation Amendment (Fair Incentives to Work) Bill 2012 be agreed to (28 June 2012) against 2 nd reading of the Migrant Amendment (Unauthorised Maritime Arrivals and other Measures) Bill 2012 (27 November 2012)	3
Crook, Tony (Nats, WA)	against 2 nd reading amendment to the Wheat Export Marketing Amendment Bill 2012 (31 October 2012) for motion that Wheat Export Marketing Amendment Bill 2012 be read 2 nd time (31 October 2012)	2
Broadbent, Russell (Lib, Vic.)	against 2 nd reading of the Migrant Amendment (Unauthorised Maritime Arrivals and other Measures) Bill 2012 (27 November 2012)	1
Christensen, George (Nats, Qld)	for an amendment to the Minerals Resource Rent Tax Bill 2011 (22 November 2011)	1
Griggs, Natasha (CLP, NT)	against 2 nd reading of the National Radioactive Waste Management Bill 2010 (22 February 2011)	1
McCormack, Michael (Nats, NSW)	for a disallowance motion on the Murray Darling Basin Plan (29 November 2012)	1
Schultz, Alby (Lib, NSW)	for a disallowance motion on the Murray Darling Basin Plan (29 November 2012)	1
Stone, Sharman (Lib, Vic.)	for a disallowance motion on the Murray Darling Basin Plan (29 November 2012)	1
Washer, Mal (Lib, WA)	for the motion that 'this House calls on the Government to set a date for the safe return of Australian troops from Afghanistan' (29 November 2012)	1
Senator Name	Issue(s)	No. of floor crossings
Boyce, Sue (Lib, Qld)	for 2 nd reading of the Marriage Act Amendment (Recognition of Foreign Marriages for Same-Sex Couples) Bill 2013 (21 June 2013) for 2 nd reading of the Sex Discrimination Amendment (Sexual Orientation, Gender Identity and Intersex Status) Bill 2013 (24 June 2013)	2

Source: Compiled by the Politics and Public Administration Section

Note: The referendum bill, Constitution Alteration (Local Government) 2013, has not been included in this table. Parties sometimes 'manage' opposition to referendum bills that they have publicly supported so that a formal 'No' case can be authored. This artificial arrangement has not been classified as either a conscience vote or a floor crossing.

183. See footnote 149. For more on crossing the floor see G Baker and D McKeown, [Crossing the floor in the federal parliament 1950 – August 2004](#), Research notes, Information and Research Services, Parliamentary Library, 10 October 2005, accessed 6 November 2013.

Appendix 7: House of Representatives Procedure Committee reports

House of Representatives Standing Committee on Procedure, [*Electronic voting in the House of Representatives*](#), Parliamentary Paper No 172/2013, presented 24 June 2013

House of Representatives Standing Committee on Procedure, [*Maintenance of the standing and sessional Orders*](#), Parliamentary Paper No 171/2013, presented 24 June 2013

House of Representatives Standing Committee on Procedure, [*Monitoring and review of procedural changes implemented in the 43rd Parliament: 4th report*](#), Parliamentary Paper No 438/2012, presented 26 November 2012

House of Representatives Standing Committee on Procedure, [*Interim report no 3: Monitoring and review of procedural changes implemented in the 43rd Parliament—The effectiveness of reforms to the House committee system*](#), Parliamentary Paper No 60/2012, presented 1 March 2012

House of Representatives Standing Committee on Procedure, [*Interim report no 2: Monitoring and review of procedural changes implemented in the 43rd Parliament—Referral of bills to committees by the House Selection Committee*](#), Parliamentary Paper No 175/2011, presented 4 July 2011

House of Representatives Standing Committee on Procedure, [*Interim report no 1: Monitoring and review of procedural changes implemented in the 43rd Parliament*](#), Parliamentary Paper No 116/2011, presented 23 May 2011

Appendix 8: Further reading

[2010 federal election, Parliamentary Library Briefing Book: Key issues for the 43rd Parliament](#), Parliamentary Library, 2010

B Holmes, *Hard days and nights: the final 147 days of the Gillard Government*, Research paper, Parliamentary Library (forthcoming)

B Holmes and S Fernandes, [2010 federal election: a brief history](#), Research paper 8, 2011–12, Parliamentary Library, 6 March 2012

N Horne, [Hung parliaments and minority governments](#), Background note, Parliamentary Library, 23 December 2010

N Horne, [‘New rules for media-related activity in Parliament House and its precincts’](#), *FlagPost*, 5 December 2012

M Lumb, [The 43rd Parliament: traits and trends](#), Research paper, 2013–14, Parliamentary Library, 2 October 2013

J McCann with D Heriot, [Australia’s Parliament House—more than 25 years in the making!](#), Parliamentary Library, updated 31 October 2013

B Wright, [Committee work in a hung Parliament—a House of Representatives perspective](#), Presiding Officers and Clerks Conference, Canberra, July 2013

B Wright, [Hung parliaments—are they good for parliament?](#), Australian Study of Parliament Group, Victorian Chapter seminar, Melbourne, June 2013

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